



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

## Department of Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF AIR QUALITY  
Bryce C. Bird  
Director

**Air Quality Board**  
Randal S. Martin, *Chair*  
John Rasband, *Vice-Chair*  
Michelle Bujdoso  
Kevin R. Cromar  
Cassady Kristensen  
Erin Mendenhall  
Arnold W. Reitze Jr  
Kimberly D. Shelley  
William C. Stringer  
Bryce C. Bird,  
*Executive Secretary*

DAQ-045-21

### UTAH AIR QUALITY BOARD MEETING FINAL AGENDA

Wednesday, June 2, 2021 - 1:30 p.m.  
195 North 1950 West, Room 1015  
Salt Lake City, Utah 84116

Board members may be participating electronically. Interested persons can participate telephonically by dialing 1-716-220-8261 using access code: 790-857-591#, or via the Internet at meeting link:  
<https://meet.google.com/pow-nqfs-fpz>

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: August 4, 2021
- III. Approval of the Minutes for the May 5, 2021, Board Meeting.
- IV. Propose for Public Comment: Amend R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions; R307-841. Residential Property and Child-Occupied Facility Renovation; and R307-842. Lead-Based Paint Activities. Presented by Liam Thrailkill and Leonard Wright.
- V. Informational Items.
  - A. Air Toxics. Presented by Leonard Wright.
  - B. Compliance. Presented by Harold Burge and Rik Ombach.
  - C. Monitoring. Presented by Luke Leclair-Marzolf.
  - D. Other Items to be Brought Before the Board.
  - E. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 536-4281, TDD (801) 536-4284 or by email at [lwyss@utah.gov](mailto:lwyss@utah.gov).

# ITEM 3



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**UTAH AIR QUALITY BOARD MEETING**

**May 5, 2021 – 1:30 p.m.**

**This was an electronic meeting with no anchor location.**

**DRAFT MINUTES**

**I. Call-to-Order**

Randal Martin called the meeting to order at 1:32 p.m.

Board members present: Randal Martin, John Rasband, Michelle Bujdoso, Kevin Cromar, Cassady Kristensen, Arnold Reitze, Kimberly Shelley, William Stringer

Excused: Erin Mendenhall

Executive Secretary: Bryce Bird

**II. Date of the Next Air Quality Board Meeting: June 2, 2021**

**III. Approval of the Minutes for April 7, 2021, Board Meeting.**

Prior to the meeting, Mr. Reitze submitted a few grammatical edits and suggested staff reword the paragraph beginning on line 5 on page 4. Ms. Bujdoso made corrections on page 3 line 23, to read “using two phase separators” and on line 24 adding, “which may disrupt equilibrium” to the end of the sentence.

- Kevin Cromar motioned to approved the minutes with the noted modifications. Arnold Reitze seconded. The Board approved unanimously.

**IV. Propose for Final Adoption: Amend R307-101-3. Version of Code of Federal Regulations Incorporated by Reference; R307-210. Standards of Performance for New and Stationary Sources; R307-214. National Emissions Standards for Hazardous Air Pollutants. Presented by Liam Thrailkill.**

Liam Thrailkill, Rules Coordinator at DAQ, stated that on February 3, 2021, the Board proposed for public comment amendments to R307-101, R307-210, and R307-214. The amendments to the rules reflect the changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (CFR) that are relevant to the Utah air quality rules. These changes incorporated by references reflect changes made in the CFR dated July 1, 2020. The amendments to R307-101-3 updates the year of the version of the CFR incorporated by reference. The amendments to R307-210

1 and R307-214 streamline the process for future rulemaking. The amendments make it so that R307-  
 2 210 and R307-214 no longer need to be amended individually to update their CFR incorporation but  
 3 will now fall under R307-101-3 which specifies the date for the entire R307 title. The public comment  
 4 period was open from March 1, 2021, to April 1, 2021. No comments were received and no public  
 5 hearing was requested. Staff recommends that the Board adopt R307-101-3, R307-210, and R307-214  
 6 as proposed.

- 7
- 8 • Kevin Cromar motioned that the Board adopt R307-101-3, R307-210, and R307-314 as proposed.  
 9 Arnold Reitze seconded. The Board approved unanimously.

10  
 11 **V. Informational Items.**

12  
 13 **A. Northern Wasatch Front Ozone International Transport Demonstration 179B(b). Presented**  
 14 **by Ryan Bares and Nancy Daher.**

15  
 16 Ryan Bares, Environmental Scientist at DAQ, stated that on August 3, 2018, the EPA designated  
 17 Utah’s Northern Wasatch Front (NWF) as marginal non-attainment status for the 8-hour ozone  
 18 national ambient air quality standard (NAAQS). It is expected that the NWF will receive a “bump-  
 19 up” in nonattainment status from marginal to moderate given that the design value for the NWF  
 20 from data collected from 2018 – 2020 is 77 parts per billion (ppb). With a moderate status, the  
 21 State will be required to develop a new state implementation plan (SIP) which will include a  
 22 reasonable available control technologies (RACT) analysis, possible additional controls to area and  
 23 major sources, a 15% reduction in anthropogenic VOC emissions, and an attainment  
 24 demonstration including photochemical modeling and updated emission inventories.

25  
 26 Given the impending reclassification to moderate status, there has been substantial interest in a  
 27 179B(b) demonstration for the NWF to prevent the re-classification. Section 179B(b) of the Clean  
 28 Air Act allows a nonattainment area to retrospectively avoid re-classification to a higher  
 29 nonattainment status if the responsible air agency can demonstrate that the area would have met  
 30 the NAAQS but for the influence of pollution emanating from an international source.

31  
 32 The DAQ has conducted two analyses to date to examine the viability of a 179B(b) demonstration,  
 33 both of which have been presented to the Board previously. In addition to these studies, an analysis  
 34 funded by the Utah Petroleum Association (UPA) and Utah Mining Association and conducted by  
 35 Ramboll was performed to further examine the role of international transport of ozone on  
 36 exceedance days within the Wasatch Front. Beyond these modeling efforts, the DAQ technical  
 37 analysis team has outlined a framework for a more refined photochemical model that could be used  
 38 to further explore the role of international transport of ozone on exceedance days, if such an  
 39 exercise is required by the EPA. The EPA has requested that any materials relevant to the  
 40 upcoming Determination of Attainment by Attainment Date be submitted by May 31, 2021. In  
 41 anticipation of this deadline, the results from all three of these analyses and the modeling  
 42 framework have been compiled and will be submitted to EPA Region 8 by the end of May 2021.

43  
 44 The ~~179B(b) use of section 179(B) by the state~~ is discretionary ~~and not official rule making~~, and  
 45 thus ~~it does not doesn't~~ require ~~either the rule making process to be used or~~ a formal public  
 46 comment process ~~or any official action by the Board~~. However, in an effort to maximize  
 47 transparency and receive feedback, DAQ is submitting this package to the Board for review and  
 48 the package will also be available for public review prior to its submission to the EPA. Any  
 49 comments submitted to the division before May 26, 2021, will be included in the final submission  
 50 to EPA. DEQ's Sstaff responded to several questions from the Board.  
 51

1 How does Utah's application vary from EPA's guidance document on how to prepare the 179B(b)  
2 demonstration, and what has been the feedback been from the regional office? As far as staff can  
3 tell, Utah is the first non-border state to be submitting a 179B(b) demonstration, and while EPA  
4 has made it clear that this demonstration is not specific for border states there is a significantly  
5 greater weight of evidence associated with non-border state demonstrations. Additionally, Utah's  
6 demonstration has identified international transport contributing to background ozone  
7 concentrations in the NWF. This means that the amount of ozone observed on exceedance and  
8 non-exceedance days is relatively consistent, which is a novel approach to a 179B(b)  
9 demonstration.

10  
11 How do you differentiate what is international pollution and what is pollution coming from  
12 California? Staff responded that the best way to distinguish between what is coming from different  
13 regions is through photochemical modeling. DAQ used HYSPLIT modeling and the analyses they  
14 did looked at general transport patterns between upwind regions and the receptor sites. With the  
15 HYSPLIT analyses, DAQ considered different release heights from where particles are released  
16 and then they tracked the particles back in time. So basically, they could tell when particles spent  
17 more time outside of the U.S. versus California, as an example.

18  
19 It was commented that some of the modeling that was done in support of 179B(b) consistently says  
20 that we would be meeting the ozone standard but for the international contribution, generally by  
21 about 8 to 9 ppb. To which staff responded that some of the limitations of Ramboll's modeling  
22 analysis was that the contributions of local ozone emission sources were underestimated, and since  
23 they were underestimated, the relative contribution of international emission sources was  
24 overestimated. If we were able to do a more refined modeling, we could expect a better  
25 representation of local ozone production, but that would be a very exhaustive exercise and would  
26 require more time to develop.

27  
28 Why have there been reductions in ozone precursors but no reductions in actual ozone  
29 concentrations? In response, it was stated that we need to understand ozone better. There are a lot  
30 of similarities between PM<sub>2.5</sub> and ozone formation, but there are also differences to consider. The  
31 chemistry is going to be a little different which is one of the things that a refined model will help  
32 with. It was added that looking at last summer we cut the number of days exceeding the standard in  
33 half, and so we certainly have evidence that reductions in precursors have led to fewer exceedance  
34 days.

35  
36 Finally, as far as a more refined photochemical modeling as requested by EPA, DAQ has worked  
37 up a detailed modeling protocol which explains how the demonstration will work. DAQ has also  
38 started some preliminary work, such as preparing emissions and the meteorological outlooks. The  
39 attainment date is August 2021 and the EPA has until February 2022 to make a determination.

40  
41 Public comment from Rikki Hrenko-Browning of the Utah Petroleum Association was introduced.  
42 Ms. Hrenko-Browning stated that UPA supports DAQ in pursuing a 179B(b) process. In the NWF  
43 emissions of ozone precursors, namely VOC and NO<sub>x</sub>, have decreased almost 40% over the last 15  
44 years, which has largely been as part of the strategy to reduce PM<sub>2.5</sub>. However, neither the level of  
45 ozone, the design value, nor the number of ozone exceedances per year has decreased in more than  
46 a decade. She states that studies show that 20% or less of local manmade in-state emissions  
47 contribute to only a very small part of ozone along the Wasatch Front and that the rest comes from  
48 international or natural sources. Modeling studies have also shown the significant portion of local  
49 ozone comes from manmade global emissions and so were it not for this background of ozone  
50 from international sources, the NWF would in fact be meeting the 70 ppb ozone standard.  
51

1 Ms. Hrenko-Browning continued that the challenge of international transport of emissions and the  
2 resulting elevated ozone in the Western U.S. has been well known in the scientific and regulatory  
3 community. The modeling work needed to support 179B(b) can provide DAQ with more  
4 information on what sources and regulatory tools could be used to actually improve air quality,  
5 even if they don't meet the rigid SIP requirements and timeframe. The 179B(b) is a pathway to  
6 help DAQ to better understand this complex challenge and provide a broader toolbox so that DAQ  
7 can focus on actions that might actually improve air quality. The UPA is committed to being an  
8 active partner in supporting air quality improvements.  
9

10 **B. Air Toxics. Presented by Leonard Wright.**

11  
12 **C. Compliance. Presented by Harold Burge and Rik Ombach.**

13  
14 **D. Monitoring. Presented by Shauna Ward.**

15  
16 Shauna Ward, Environmental Scientist at DAQ, updated the Board on the monitoring data.  
17 According to the charts, there was only one day that reached 70 ppb for ozone across the network  
18 which was at the AMC location in Salt Lake City. There are no April particulate data charts due to  
19 construction work in the filter lab at the AMC location. The filters are still running during  
20 construction and staff will get all the filters processed once they are able to access the lab.  
21

22 Mr. Martin created a contour map of ozone in the Wasatch Front showing where the peaks occur  
23 and he recommends that DAQ might want to consider making available on its webpage.  
24

25 **E. Other Items to be Brought Before the Board.**

26  
27 Mr. Cromar requests that at a future Board meeting if DAQ could talk about what it does in terms  
28 of meeting environmental justice, and who is the point of contact at DAQ for such needs. Mr. Bird  
29 added that DAQ had a legislative appropriation request to upgrade its ability to capture, analyze,  
30 and present data from programs such as the new Salt Lake County E-Bus Emissions Monitoring  
31 Pilot and Google's spatial sampling with respect to air quality, but ultimately the request was not  
32 funded. The DAQ also has grants for wood stove replacements with the focus being on the  
33 environmental justice areas first. These and other ideas, as well as EPA's recent funding  
34 opportunities, would be good discussion points to have about DAQ's environmental justice efforts  
35 moving forward.  
36

37 Mr. Rasband thanked the DAQ inventory staff for the work that they do in helping industry and  
38 other businesses navigate the new state and local emission inventory system (SLEIS) program.  
39

40 **F. Board Meeting Follow-up Items.**

- 41  
42  
43  
44  
45
- The five Board members whose terms were up for renewal in March 2021, have been approved by the Senate for another four years.
  - Environmental justice discussion at a future Board meeting.

# ITEM 4



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Kimberly D. Shelley  
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DIVISION OF AIR QUALITY  
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DAQ-040-21

MEMORANDUM

**TO:** Air Quality Board

**THROUGH:** Bryce C. Bird, Executive Secretary

**FROM:** Leonard Wright, Air Toxics Lead-based Paint and Asbestos Section Manager; and Wade Hess, Environmental Scientist

**DATE:** May 20, 2021

**SUBJECT:** PROPOSE FOR PUBLIC COMMENT: Amend R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions; R307-841. Residential Property and Child-Occupied Facility Renovation; and R307-842. Lead-Based Paint Activities.

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As part of the Environmental Protection Agency's (EPA) efforts to address childhood lead exposure, they evaluated and lowered both the dust-lead hazard standards (DLHS) and dust-lead clearance levels (DLCL) within the last two years. In order to maintain EPA delegation, the agency requires states to meet all requirements imposed by these rulemakings no later than two years after their effective date.<sup>1</sup> The amendments to R307-840, *Lead-Based Paint Program Purpose, Applicability, and Definitions*, R307-841, *Residential Property and Child-Occupied Facility Renovation*, and R307-842, *Lead-Based Paint Activities*, incorporate these changes into the air quality rules and allow our state program to maintain EPA-delegation.

Effective January 6, 2020, the EPA lowered the DLHS from 40 µg/ft<sup>2</sup> to 10 µg/ft<sup>2</sup> for floors, and from 250 µg/ft<sup>2</sup> to 100 µg/ft<sup>2</sup> for window sills.<sup>2</sup> Effective March 8, 2021, the EPA also lowered the DLCL from 40 µg/ft<sup>2</sup> and 250 µg/ft<sup>2</sup> to 10 µg/ft<sup>2</sup> and 100 µg/ft<sup>2</sup> on floors and window sills, respectively.<sup>3</sup> These changes require stricter cleaning practices by certified lead firms, decrease the likelihood of childhood lead exposure, and are mandated by the EPA.

Beyond the dust-lead changes required by the EPA, scientists in our program saw the need to add language to the rules concerning lead-based paint abatement work practices, on-site worker training, and training course structure. Previous language lacked specificity regarding containment of the work area, waste

storage and disposal, and occupant safety during a lead-based paint abatement. Previously vague language relating to on-site training and training course structure was also made more detailed. These amendments offer increased guidance, but will not change current practices of the lead-based paint program or regulated community.

Recommendation: Staff recommends that the Board propose amended R307-840, R307-841, and R307-842 for public comment.

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<sup>1</sup> 40 CFR § 745.325.e.1

<sup>2</sup> 84 Fed. Reg. 32,632 (July 9, 2019).

<sup>3</sup> 86 Fed. Reg. 983 (January 7, 2021).

## Rule Change Summary Table

Rule Location	Amendment	Justification
R307-840-2. Definitions.	"Clearance levels" are values that indicate the <del>[maximum]</del> amount of lead <del>[permitted]</del> in dust on a surface following completion of an abatement activity. <u>To achieve clearance when dust sampling is required, values below these levels must be achieved.</u>	EPA's new definition.
R307-840-2. Definitions.	"Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding <del>[40]</del> <u>10</u> ug/ft <sup>2</sup> on floors or <del>[250]</del> <u>100</u> ug/ft <sup>2</sup> on interior window sills based on wipe samples.	Reflects EPA's current dust-lead hazard levels.
R307-840-2. Definitions.	"Elevated Blood Lead Level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of <del>[20]</del> <u>≥5</u> micrograms of lead per deciliter of whole blood (ug/dl) for a single <del>[venous test or of 15-19 ug/dl in two consecutive tests taken 3 to 4 months apart]</del> <u>venous blood test or two capillary blood tests drawn within 12 weeks of each other.</u>	Reflects CDC's current definition.
841-6(2)(f)	(f) Documentation of compliance with the requirements of R307-841-5, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project <u>in a language that the workers can comprehend</u> , that the certified renovator performed or directed workers who performed all of the tasks described in R307-841-5(1), and that the certified renovator performed the post-renovation cleaning verification described in R307-841-5(2). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in R307-841-3, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's current Utah Lead-Based Paint Renovator certification card, and a certification by the certified renovator assigned to the project that:	Ensures workers are trained in a language they can understand.

## Rule Change Summary Table

<p>842-1(1)(c)</p>	<p><u>(c) Initial and refresher courses shall be specific to each discipline and shall be conducted as separate and distinct courses and not combined with any other training during the period of the course.</u></p>	<p>To ensure that courses are taught separately and according to specific course requirements.</p>
<p>842-3(5)(f)</p>	<p><u>(f) Containing the work area. Before beginning the abatement activity, the firm must isolate the work area so that no dust or debris leaves the work area while the abatement is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the abatement is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.</u></p> <p><u>(i) Interior abatement. The firm must:</u></p> <p><u>(A) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;</u></p> <p><u>(B) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;</u></p> <p><u>(C) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material and sealed with duct tape or equivalent. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;</u></p> <p><u>(D) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing abatement or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of</u></p>	<p>To ensure best practices are followed in the containment portion of lead-based paint abatement. Current rule has no specifics concerning containment with abatement.</p>

## Rule Change Summary Table

	<p><u>impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling, and walls; and</u></p> <p><u>(E) Use precautions to ensure that all personnel, tools, and other items, including the exterior of containers of waste, are free of dust and debris before leaving the work area.</u></p> <p><u>(ii) Exterior abatement. The firm must:</u></p> <p><u>(A) Close all doors and windows within 20 feet of the abatement. On multi-story buildings, close all doors and windows within 20 feet of the abatement on the same floor as the abatement, and close all doors and windows on all floors below that are the same horizontal distance from the abatement;</u></p> <p><u>(B) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;</u></p> <p><u>(C) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing abatement or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system; and</u></p> <p><u>(D) If the abatement will affect surfaces within 10 feet of the property line, the lead-based paint firm must erect vertical containment or equivalent precautions in containing the work area to ensure that dust and debris from the abatement does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.</u></p>	
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## Rule Change Summary Table

842-3(5)(h)	<p><u>(h) Waste from abatement.</u></p> <p><u>(i) Waste from the abatement activity must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.</u></p> <p><u>(ii) At the conclusion of each work day and at the conclusion of the abatement, waste that has been collected from the abatement must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.</u></p> <p><u>(iii) When the firm transports waste from the abatement, the firm must contain the waste to prevent release of dust and debris.</u></p>	Specifies waste storage, transport, and disposal during abatement, which is absent in the current rule.
842-3(5)(h)(viii)	(viii) The clearance levels for lead in dust are [ <del>40</del> ] <u>10</u> ug/ft <sup>2</sup> for floors, [ <del>250</del> ] <u>100</u> ug/ft <sup>2</sup> for interior window sills, and 400 ug/ft <sup>2</sup> for window troughs.	Reflects EPA's current dust-lead clearance levels.
842-3(5)(h)(ix)	<u>(ix) Occupants of the home shall not be allowed into the abatement work area until clearance dust sample results are received by the inspector or risk assessor and are found to be acceptable according to dust-lead clearance level standards.</u>	Ensures safety of occupants of home where a lead-based paint abatement has occurred.
842-3(8)(c)(i)	(i) In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than [ <del>40</del> ] <u>10</u> ug/ft <sup>2</sup> for floors and [ <del>250</del> ] <u>100</u> ug/ft <sup>2</sup> for interior window sills, respectively;	Reflects EPA's current dust-lead hazard levels.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-840. Lead-Based Paint Program Purpose, Applicability, and**  
3 **Definitions.**

4 **R307-840-1. Purpose and Applicability.**

5 (1) Rule R307-840, R307-841, and R307-842 establish procedures  
6 and requirements for the accreditation of training programs for  
7 lead-based paint activities and renovations, procedures and  
8 requirements for the certification of individuals and firms engaged  
9 in lead-based paint activities and renovations, and work practice  
10 standards for performing such activities. These rules also require  
11 that, except as outlined in R307-840-1(2), all lead-based paint  
12 activities and renovations, as defined in these rules, must be  
13 performed by certified individuals and firms.

14 (2) R307-840, R307-841, and R307-842 apply to all individuals  
15 and firms who are engaged in lead-based paint activities and  
16 renovations as defined in R307-840-2, except persons who perform these  
17 activities within residential dwellings that they own, unless the  
18 residential dwelling is occupied by a person or persons other than the  
19 owner or the owner's immediate family while these activities are being  
20 performed, or a child residing in the building has been identified as  
21 having an elevated blood lead level.

22 (3) R307-840, R307-841, and R307-842 identify lead-based paint  
23 hazards. The standards for lead-based paint hazards apply to target  
24 housing and child-occupied facilities.

25 (4) R307-840, R307-841, and R307-842 do not require the owner  
26 of the property or properties subject to these rules to evaluate the  
27 property or properties for the presence of lead-based paint hazards  
28 or take any action to control these conditions if one or more of them  
29 is identified.

30 (5) While R307-840, R307-841, and R307-842 establish specific  
31 requirements for performing lead-based paint activities and  
32 renovations should they be undertaken, these rules do not require that  
33 the owner or occupant undertake any particular lead-based paint  
34 activity or renovation.

35 (6) Individuals or firms wishing to deviate from the  
36 certification, notification, work practice, or other requirements of  
37 R307-840, R307-841, and/or R307-842 may do so only after requesting  
38 and obtaining written approval from the director.

39  
40 **R307-840-2. Definitions.**

41 The following definitions apply to R307-840, R307-841, and  
42 R307-842, in addition to the definitions found in R307-101-2.

43 "Abatement" means any measure or set of measures designed to  
44 permanently eliminate lead-based paint hazards. Abatement includes,  
45 but is not limited to:

1 (1) The removal of paint and dust, the permanent enclosure or  
2 encapsulation of lead-based paint, the replacement of painted surfaces  
3 or fixtures, or the removal or permanent covering of soil, when  
4 lead-based paint hazards are present in such paint, dust, or soil; and

5 (2) All preparation, cleanup, disposal, and post-abatement  
6 clearance testing activities associated with such measures.

7 (3) Specifically, abatement includes, but is not limited to:

8 (a) Projects for which there is a written contract or other  
9 documentation, which provides that an individual or firm will be  
10 conducting activities in or to a residential dwelling or  
11 child-occupied facility that:

12 (i) Shall result in the permanent elimination of lead-based  
13 paint hazards; or

14 (ii) Are designed to permanently eliminate lead-based paint  
15 hazards and are described in paragraphs (1) and (2) of this definition.

16 (b) Projects resulting in the permanent elimination of  
17 lead-based paint hazards, conducted by firms or individuals certified  
18 in accordance with R307-842-2, unless such projects are covered by  
19 paragraph (4) of this definition;

20 (c) Projects resulting in the permanent elimination of  
21 lead-based paint hazards, conducted by firms or individuals who,  
22 through their company name or promotional literature, represent,  
23 advertise, or hold themselves out to be in the business of performing  
24 lead-based paint activities as identified and defined by this section,  
25 unless such projects are covered by paragraph (4) of this definition;  
26 or

27 (d) Projects resulting in the permanent elimination of  
28 lead-based paint hazards that are conducted in response to State of  
29 Utah or local abatement orders.

30 (4) Abatement does not include renovation, remodeling,  
31 landscaping or other activities, when such activities are not designed  
32 to permanently eliminate lead-based paint hazards, but, instead, are  
33 designed to repair, restore, or remodel a given structure or dwelling,  
34 even though these activities may incidentally result in a reduction  
35 or elimination of lead-based paint hazards. Furthermore, abatement  
36 does not include interim controls, operations and maintenance  
37 activities, or other measures and activities designed to temporarily,  
38 but not permanently, reduce lead-based paint hazards.

39 "Accredited Training Program" means a training program that has  
40 been accredited by the director pursuant to R307-842-1 to provide  
41 training for individuals engaged in lead-based paint activities.

42 "Adequate Quality Control" means a plan or design which ensures  
43 the authenticity, integrity, and accuracy of samples, including dust,  
44 soil, and paint chip or paint film samples. Adequate quality control  
45 also includes provisions for representative sampling.

1 "Arithmetic Mean" means the algebraic sum of data values divided  
2 by the number of data values (e.g., the sum of the concentration of  
3 lead in several soil samples divided by the number of samples).

4 "Business Day" means Monday through Friday with the exception of  
5 federal and State of Utah holidays.

6 "Certificate of Mailing" means Certificate of Mailing as defined  
7 by the United States Postal Service.

8 "Certified Abatement Worker" means an individual who has been  
9 trained by an accredited training program and certified by the director  
10 pursuant to R307-842-2 to perform abatements.

11 "Certified Dust Sampling Technician" means an individual who has  
12 been trained by an accredited training program and certified by the  
13 director pursuant to R307-841-8(1) and R307-842-2 to collect dust  
14 samples.

15 "Certified Firm" means a company, partnership, corporation, sole  
16 proprietorship or individual doing business, association, or other  
17 business entity; a federal, state, tribal, or local government agency;  
18 or a nonprofit organization that performs lead-based paint activities,  
19 renovations, or dust sampling to which the director has issued a  
20 certificate of approval pursuant to R307-842-2(5).

21 "Certified Inspector" means an individual who has been trained  
22 by an accredited training program and certified by the director  
23 pursuant to R307-842-2 to conduct inspections. A certified inspector  
24 also samples for the presence of lead in dust and soil for the purposes  
25 of abatement clearance testing.

26 "Certified Project Designer" means an individual who has been  
27 trained by an accredited training program and certified by the director  
28 pursuant to R307-842-2 to prepare abatement project designs, occupant  
29 protection plans, and abatement reports.

30 "Certified Renovator" means an individual who has been trained  
31 by an accredited training program and certified by the director  
32 pursuant to R307-841-8(1) and R307-842-2 to conduct renovations.

33 "Certified Risk Assessor" means an individual who has been  
34 trained by an accredited training program and certified by the director  
35 pursuant to R307-842-2 to conduct risk assessments. A risk assessor  
36 also samples for the presence of lead in dust and soil for the purposes  
37 of abatement clearance testing.

38 "Certified Supervisor" means an individual who has been trained  
39 by an accredited training program and certified by the director  
40 pursuant to R307-842-2 to supervise and conduct abatements, and to  
41 prepare occupant protection plans and abatement reports.

42 "Chewable Surface" means an interior or exterior surface painted  
43 with lead-based paint that a young child can mouth or chew. A chewable  
44 surface is the same as an "accessible surface" as defined in 42 U.S.C.  
45 4851b(2). Hard metal substrates and other materials that can not be

1 dented by the bite of a young child are not considered chewable.

2 "Child-Occupied Facility" means a building, or portion of a  
3 building, constructed prior to 1978, visited regularly by the same  
4 child, under 6 years of age, on at least two different days within any  
5 week (Sunday through Saturday period), provided that each day's visit  
6 lasts at least 3 hours and the combined weekly visits last at least  
7 6 hours, and the combined annual visits last at least 60 hours.  
8 Child-occupied facilities may include, but are not limited to, day care  
9 centers, preschools and kindergarten classrooms. Child-occupied  
10 facilities may be located in target housing or in public or commercial  
11 buildings. With respect to common areas in public or commercial  
12 buildings that contain child-occupied facilities, the child-occupied  
13 facility encompasses only those common areas that are routinely used  
14 by children under age 6, such as restrooms and cafeterias. Common  
15 areas that children under age 6 only pass through, such as hallways,  
16 stairways, and garages are not included. In addition, with respect  
17 to exteriors of public or commercial buildings that contain  
18 child-occupied facilities, the child-occupied facility encompasses  
19 only the exterior sides of the building that are immediately adjacent  
20 to the child-occupied facility or the common areas routinely used by  
21 children under age 6.

22 "Cleaning Verification Card" means a card developed and  
23 distributed, or otherwise approved, by EPA for the purpose of  
24 determining, through comparison of wet and dry disposable cleaning  
25 cloths with the card, whether post-renovation cleaning has been  
26 properly completed.

27 "Clearance Levels" are values that indicate the [~~maximum~~] amount  
28 of lead [~~permitted~~] in dust on a surface following completion of an  
29 abatement activity. To achieve clearance when dust sampling is  
30 required, values below these levels must be achieved.

31 "Common Area" means a portion of a building that is generally  
32 accessible to all occupants. Such an area may include, but is not  
33 limited to, hallways, stairways, laundry and recreational rooms,  
34 playgrounds, community centers, garages, and boundary fences.

35 "Common Area Group" means a group of common areas that are similar  
36 in design, construction, and function. Common area groups include,  
37 but are not limited to hallways, stairways, and laundry rooms.

38 "Component or Building Component" means specific design or  
39 structural elements or fixtures of a building or residential dwelling  
40 that are distinguished from each other by form, function, and location.  
41 These include, but are not limited to, interior components such as  
42 ceilings, crown molding, walls, chair rails, doors, door trim, floors,  
43 fireplaces, radiators and other heating units, shelves, shelf  
44 supports, stair treads, stair risers, stair stringers, newel posts,  
45 railing caps, balustrades, windows and trim (including sashes, window

1 heads, jambs, sills or stools and troughs), built in cabinets, columns,  
2 beams, bathroom vanities, counter tops, and air conditioners, and  
3 exterior components such as painted roofing, chimneys, flashing,  
4 gutters and downspouts, ceilings, soffits, fascias, rake boards,  
5 cornerboards, bulkheads, doors and door trim, fences, floors, joists,  
6 lattice work, railings and railing caps, siding, handrails, stair  
7 risers and treads, stair stringers, columns, balustrades, window sills  
8 or stools and troughs, casings, sashes and wells, and air conditioners.

9 "Concentration" means the relative content of a specific  
10 substance contained within a larger mass, such as the amount of lead  
11 (in micrograms per gram or parts per million by weight) in a sample  
12 of dust or soil.

13 "Containment" means a process to protect workers and the  
14 environment by controlling exposures to the lead-contaminated dust and  
15 debris created during an abatement.

16 "Course Agenda" means an outline of the key topics to be covered  
17 during a training course, including the time allotted to teach each  
18 topic.

19 "Course Test" means an evaluation of the overall effectiveness  
20 of the training which shall test the trainees' knowledge and retention  
21 of the topics covered during the course.

22 "Course Test Blue Print" means written documentation identifying  
23 the proportion of course test questions devoted to each major topic  
24 in the course curriculum.

25 "Deteriorated Paint" means any interior or exterior paint or  
26 other coating that is flaking, peeling, chipping, chalking, or  
27 cracking, or any other paint or coating located on an interior or  
28 exterior surface or fixture that is otherwise damaged or separated from  
29 the substrate.

30 "Discipline" means one of the specific types or categories of  
31 lead-based paint activities identified in this rule for which  
32 individuals may receive training from accredited programs and become  
33 certified by the director. Disciplines include Abatement Worker,  
34 Dust Sampling Technician, Inspector, Project Designer, Renovator,  
35 Risk Assessor, and Supervisor.

36 "Distinct Painting History" means the application history, as  
37 indicated by its visual appearance or a record of application, over  
38 time, of paint or other surface coatings to a component or room.

39 "Documented Methodologies" are methods or protocols used to  
40 sample for the presence of lead in paint, dust, and soil.

41 "Dripline" means the area within 3 feet surrounding the perimeter  
42 of the building.

43 "Dry Disposable Cleaning Cloth" means a commercially available  
44 dry, electrostatically charged, white disposable cloth designed to be  
45 used for cleaning hard surfaces such as uncarpeted floors or counter

1 tops.

2 "Dust-lead hazard" means surface dust in a residential dwelling  
3 or child-occupied facility that contains a mass-per-area  
4 concentration of lead equal to or exceeding ~~[40]~~10 ug/ft<sup>2</sup> on floors  
5 or ~~[250]~~100 ug/ft<sup>2</sup> on interior window sills based on wipe samples.

6 "Elevated Blood Lead Level (EBL)" means an excessive absorption  
7 of lead that is a confirmed concentration of lead in whole blood of  
8 ~~[20]~~≥5 micrograms of lead per deciliter of whole blood (ug/dl) for a  
9 single ~~[venous test or of 15-19 ug/dl in two consecutive tests taken~~  
10 ~~3 to 4 months apart]~~ venous blood test or two capillary blood tests drawn  
11 within 12 weeks of each other.

12 "Emergency Renovation Operations" means renovation activities,  
13 such as operations necessitated by non-routine failures of equipment,  
14 that were not planned but result from a sudden, unexpected event that,  
15 if not immediately attended to, presents a safety or public health  
16 hazard, or threatens equipment and/or property with significant  
17 damage.

18 "Encapsulant" means a substance that forms a barrier between  
19 lead-based paint and the environment using a liquid-applied coating  
20 (with or without reinforcement materials) or an adhesively bonded  
21 covering material.

22 "Encapsulation" means the application of an encapsulant.

23 "Enclosure" means the use of rigid, durable construction  
24 materials that are mechanically fastened to the substrate in order to  
25 act as a barrier between lead-based paint and the environment.

26 "EPA" means the United States Environmental Protection Agency.

27 "Friction Surface" means an interior or exterior surface that is  
28 subject to abrasion or friction, including, but not limited to, certain  
29 window, floor, and stair surfaces.

30 "Guest Instructor" means an individual designated by the training  
31 program manager or principal instructor to provide instruction  
32 specific to the lecture, hands-on activities, or work practice  
33 components of a course.

34 "Hands-On Skills Assessment" means an evaluation which tests the  
35 trainees' ability to satisfactorily perform the work practices and  
36 procedures identified in R307-842-1(4), as well as any other skill  
37 taught in a training course.

38 "Hazardous Waste" means any waste as defined in 40 CFR 261.3.

39 "HEPA Vacuum" means a vacuum cleaner which has been designed with  
40 a high-efficiency particulate air (HEPA) filter as the last filtration  
41 stage. A HEPA filter is a filter that is capable of capturing  
42 particulates of 0.3 microns with 99.97% efficiency. The vacuum  
43 cleaner must be designed so that all the air drawn into the machine  
44 is expelled through the HEPA filter with none of the air leaking past  
45 it. HEPA vacuums must be operated and maintained in accordance with

1 the manufacturer's instructions.

2 "Housing for the Elderly" means retirement communities or similar  
3 types of housing reserved for households composed of one or more  
4 persons 62 years of age or more at the time of initial occupancy.

5 "HUD" means the United States Department of Housing and Urban  
6 Development.

7 "Impact Surface" means an interior or exterior surface that is  
8 subject to damage by repeated sudden force such as certain parts of  
9 door frames.

10 "Inspection" means a surface-by-surface investigation to  
11 determine the presence of lead-based paint and the provision of a  
12 report explaining the results of the investigation.

13 "Interim Certification" means the status of an individual who has  
14 successfully completed the appropriate training course in a discipline  
15 from an accredited training program, as defined by this section, but  
16 has not yet received formal certification in that discipline from the  
17 director pursuant to R307-842-2. Interim certification expires 6  
18 months after the completion of the training course, and is equivalent  
19 to a certificate for the 6-month period.

20 "Interim Controls" means a set of measures designed to  
21 temporarily reduce human exposure or likely exposure to lead-based  
22 paint hazards, including specialized cleaning, repairs, maintenance,  
23 painting, temporary containment, ongoing monitoring of lead-based  
24 paint hazards or potential hazards, and the establishment and  
25 operation of management and resident education programs.

26 "Interior Window Sill" means the portion of the horizontal window  
27 ledge that protrudes into the interior of the room.

28 "Lead-Based Paint" means paint or other surface coatings that  
29 contain lead equal to or in excess of 1.0 milligrams per square  
30 centimeter or more than 0.5% by weight.

31 "Lead-Based Paint Activities" means, in the case of target  
32 housing and child-occupied facilities, inspection, risk assessment,  
33 and abatement.

34 "Lead-Based Paint Activities Courses" means initial and  
35 refresher training courses (worker, supervisor, inspector, risk  
36 assessor, project designer) provided by accredited training programs.

37 "Lead-Based Paint Hazard" means, for the purposes of lead-based  
38 paint activities, any condition that causes exposure to lead from  
39 lead-contaminated dust, lead-contaminated soil, or lead-contaminated  
40 paint that is deteriorated or present in accessible surfaces, friction  
41 surfaces, or impact surfaces that would result in adverse human health  
42 effects as identified by the Administrator of the EPA pursuant to TSCA  
43 Section 403, and for the purposes of renovation, means hazardous  
44 lead-based paint, dust-lead hazard, or soil-lead hazard as identified  
45 in R307-840-2.

1 "Lead-Hazard Screen" means a limited risk assessment activity  
2 that involves limited paint and dust sampling as described in  
3 R307-842-3(3).

4 "Living Area" means any area of a residential dwelling used by  
5 one or more children age 6 and under, including, but not limited to,  
6 living rooms, kitchen areas, dens, play rooms, and children's  
7 bedrooms.

8 "Loading" means the quantity of a specific substance present per  
9 unit of surface area, such as the amount of lead in micrograms contained  
10 in the dust collected from a certain surface area divided by the surface  
11 area in square feet or square meters.

12 "Local Government" means a county, city, town, borough, parish,  
13 district, association, or other public body (including an agency  
14 comprised of two or more of the foregoing entities) created under state  
15 law.

16 "Mid-Yard" means an area of a residential yard approximately  
17 midway between the dripline of a residential building and the nearest  
18 property boundary or between the driplines of a residential building  
19 and another building on the same property.

20 "Minor Repair and Maintenance Activities" are activities,  
21 including minor heating, ventilation, or air conditioning work,  
22 electrical work, and plumbing, that disrupt 6 square feet or less of  
23 painted surface per room for interior activities or 20 square feet or  
24 less of painted surface for exterior activities where none of the work  
25 practices prohibited or restricted by R307-841-5(1)(c) are used and  
26 where the work does not involve window replacement or demolition of  
27 painted surface areas. When removing painted components, or portions  
28 of painted components, the entire surface area removed is the amount  
29 of painted surface disturbed. Jobs, other than emergency renovations,  
30 performed in the same room within the same 30 days must be considered  
31 the same job for the purpose of determining whether the job is a minor  
32 repair and maintenance activity.

33 "Multi-Family Dwelling" means a structure that contains more than  
34 one separate residential dwelling unit which is used or occupied, or  
35 intended to be used or occupied, in whole or in part, as the home or  
36 residence of one or more persons.

37 "Multi-Family Housing" means a housing property consisting of  
38 more than four dwelling units.

39 "Nonprofit" means an entity which has demonstrated to any branch  
40 of the federal government or to a state, municipal, tribal or  
41 territorial government, that no part of its net earnings inure to the  
42 benefit of any private shareholder or individual.

43 "Owner" means any entity that has legal title to target housing,  
44 including but not limited to individuals, partnerships, corporations,  
45 trusts, government agencies, housing agencies, Indian tribes, and

1 nonprofit organizations, except where a mortgagee holds legal title  
2 to property serving as collateral for a mortgage loan, in which case  
3 the owner would be the mortgagor.

4 "Paint In Poor Condition" means more than 10 square feet of  
5 deteriorated paint on exterior components with large surface areas,  
6 or more than 2 square feet of deteriorated paint on interior components  
7 with large surface areas (e.g., walls, ceilings, floors, doors), or  
8 more than 10% of the total surface area of the component is deteriorated  
9 on interior or exterior components with small surface areas (window  
10 sills, baseboards, soffits, trim).

11 "Paint-lead hazard" means any of the following:

12 (a) Any lead-based paint on a friction surface that is subject  
13 to abrasion and where the lead dust levels on the nearest horizontal  
14 surface underneath the friction surface (e.g., the window sill or  
15 floor) are equal to or greater than the dust-lead hazard levels  
16 identified in the definition of "Dust-lead hazard".

17 (b) Any damaged or otherwise deteriorated lead-based paint on  
18 an impact surface that is caused by impact from a related building  
19 component (such as a door knob that knocks into a wall or a door that  
20 knocks against its door frame).

21 (c) Any chewable lead-based painted surface on which there is  
22 evidence of teeth marks.

23 (d) Any other deteriorated lead-based paint in any residential  
24 building or child-occupied facility or on the exterior of any  
25 residential building or child-occupied facility.

26 "Painted surface" means a component surface covered in whole or  
27 in part with paint or other surface coatings.

28 "Pamphlet" means the EPA pamphlet titled "Renovate Right:  
29 Important Lead Hazard Information for Families, Child Care Providers  
30 and Schools" developed under Section 406(a) of TSCA for use in  
31 complying with section 406(b) of TSCA. This includes reproductions  
32 of the pamphlet when copied in full and without revision or deletion  
33 of material from the pamphlet (except for the addition or revision of  
34 state or local sources of information).

35 "Permanently Covered Soil" means soil which has been separated  
36 from human contact by the placement of a barrier consisting of solid,  
37 relatively impermeable materials, such as pavement or concrete.  
38 Grass, mulch, and other landscaping materials are not considered  
39 permanent covering.

40 "Person" means any natural or judicial person including any  
41 individual, corporation, partnership, or association, any Indian  
42 tribe, state, or political subdivision thereof, any interstate body,  
43 and any department, agency, or instrumentality of the federal  
44 government.

45 "Play Area" means an area of frequent soil contact by children

1 of less than 6 years of age as indicated by, but not limited to, such  
2 factors including the presence of play equipment (e.g., sandboxes,  
3 swing sets, and sliding boards), toys, or other children's  
4 possessions, observations of play patterns, or information provided  
5 by parents, residents, care givers, or property owners.

6 "Principal Instructor" means the individual who has the primary  
7 responsibility for organizing and teaching a particular course.

8 "Recognized Laboratory" means an environmental laboratory  
9 recognized by EPA pursuant to TSCA Section 405(b) as being capable of  
10 performing an analysis for lead compounds in paint, soil, and dust.

11 "Recognized Test Kit" means a commercially available kit  
12 recognized by EPA under 40 CFR 745.88 as being capable of allowing a  
13 user to determine the presence of lead at levels equal to or in excess  
14 of 1.0 milligrams per square centimeter, or more than 0.5% lead by  
15 weight, in a paint chip, paint powder, or painted surface.

16 "Reduction" means measures designed to reduce or eliminate human  
17 exposure to lead-based paint hazards through methods including interim  
18 controls and abatement.

19 "Renovation" means the modification of an existing structure, or  
20 portion thereof, that results in the disturbance of painted surfaces,  
21 unless that activity is performed as part of an abatement as defined  
22 by R307-840-2. The term renovation includes, but is not limited to,  
23 the removal, modification, or repair of painted surfaces or painted  
24 components (e.g., modification of painted doors, surface restoration,  
25 window repair, surface preparation activity (such as sanding,  
26 scraping, or other such activities that may generate paint dust)), the  
27 removal of building components (e.g., walls, ceilings, plumbing,  
28 windows), weatherization projects (e.g., cutting holes in painted  
29 surfaces to install blown-in insulation or to gain access to attics,  
30 planing thresholds to install weather-stripping), and interim  
31 controls that disturb painted surfaces. A renovation performed for  
32 the purpose of converting a building, or part of a building, into target  
33 housing or a child-occupied facility is a renovation under this rule.  
34 The term renovation does not include minor repair and maintenance  
35 activities.

36 "Renovator" means an individual who either performs or directs  
37 workers who perform renovations.

38 "Residential Building" means a building containing one or more  
39 residential dwellings.

40 "Residential Dwelling" means (1) a detached single family  
41 dwelling unit, including attached structures such as porches and  
42 stoops; or (2) a single family dwelling unit in a structure that  
43 contains more than one separate residential dwelling unit, which is  
44 used or occupied, or intended to be used or occupied, in whole or in  
45 part, as the home or residence of one or more persons.

1 "Risk Assessment" means (1) an on-site investigation to determine  
2 the existence, nature, severity, and location of lead-based paint  
3 hazards, and (2) the provision of a report by the individual or firm  
4 conducting the risk assessment, explaining the results of the  
5 investigation and options for reducing lead-based paint hazards.

6 "Room" means a separate part of the inside of a building, such  
7 as a bedroom, living room, dining room, kitchen, bathroom, laundry  
8 room, or utility room. To be considered a separate room, the room must  
9 be separated from adjoining rooms by built-in walls or archways that  
10 extend at least 6 inches from an intersecting wall. Half walls or  
11 bookcases count as room separators if built-in. Movable or  
12 collapsible partitions or partitions consisting solely of shelves or  
13 cabinets are not considered built-in walls. A screened in porch that  
14 is used as a living area is a room.

15 "Soil Sample" means a sample collected in a representative  
16 location using ASTM E1727, "Standard Practice for Field Collection of  
17 Soil Samples for Lead Determination by Atomic Spectrometry  
18 Techniques," or equivalent method.

19 "Soil-lead hazard" means bare soil on residential real property  
20 or on the property of a child-occupied facility that contains total  
21 lead equal to or exceeding 400 parts per million (ug/g) in a play area  
22 or average 1,200 parts per million of bare soil in the rest of the yard  
23 based on soil samples.

24 "Start Date" means the first day of any lead-based paint  
25 activities training course or lead-based paint abatement activity.

26 "Start Date Provided to the director" means the start date  
27 included in the original notification or the most recent start date  
28 provided to the director in an updated notification.

29 "State" means any state of the United States, the District of  
30 Columbia, the Commonwealth of Puerto Rico, the United States Virgin  
31 Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana  
32 Islands, or any other territory or possession of the United States.

33 "Target housing" means any housing constructed prior to 1978,  
34 except housing for the elderly or persons with disabilities (unless  
35 any one or more children age 6 years or under resides or is expected  
36 to reside in such housing for the elderly or persons with disabilities)  
37 or any 0-bedroom dwelling.

38 "Training curriculum" means an established set of course topics  
39 for instruction in an accredited training program for a particular  
40 discipline designed to provide specialized knowledge and skills.

41 "Training Hour" means at least 50 minutes of actual learning,  
42 including, but not limited to, time devoted to lecture, learning  
43 activities, small group activities, demonstrations, evaluations, and  
44 hands-on experience.

45 "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601.

1 "Training Manager" means the individual responsible for  
2 administering a training program and monitoring the performance of  
3 principal instructors and guest instructors.

4 "Training Provider" means any organization or entity accredited  
5 under R307-842-1 to offer lead-based paint activities, renovator, or  
6 dust sampling technician courses.

7 "Vertical containment" means a vertical barrier consisting of  
8 plastic sheeting or other impermeable material over scaffolding or a  
9 rigid frame, or an equivalent system of containing the work area.  
10 Vertical containment is required for some exterior renovations but it  
11 may be used on any renovation.

12 "Visual Inspection for Clearance Testing" means the visual  
13 examination of a residential dwelling or a child-occupied facility  
14 following abatement to determine whether or not the abatement has been  
15 successfully completed.

16 "Visual Inspection for Risk Assessment" means the visual  
17 examination of a residential dwelling or a child-occupied facility to  
18 determine the existence of deteriorated lead-based paint or other  
19 potential sources of lead-based paint hazards.

20 "Weighted Arithmetic Mean" means the arithmetic mean of sample  
21 results weighted by the number of subsamples in each sample. Its  
22 purpose is to give influence to a sample relative to the surface area  
23 it represents. A single surface sample is comprised of a single  
24 subsample. A composite sample may contain from two to four subsamples  
25 of the same area as each other and of each single surface sample in  
26 the composite. The weighted arithmetic mean is obtained by summing,  
27 for all samples, the product of the sample's result multiplied by the  
28 number of subsamples in the sample, and dividing the sum by the total  
29 number of subsamples contained in all samples. For example, the  
30 weighted arithmetic mean of a single surface sample containing 60  
31 ug/ft<sup>2</sup>, a composite sample (3 subsamples) containing 100 ug/ft<sup>2</sup>, and  
32 a composite sample (4 subsamples) containing 110 ug/ft<sup>2</sup> is 100 ug/ft<sup>2</sup>.  
33 This result is based on the equation  $(60+(3*100)+(4*110))/(1+3+4)$ .

34 "Wet Disposable Cleaning Cloth" means a commercially available,  
35 pre-moistened white disposable cloth designed to be used for cleaning  
36 hard surfaces such as uncarpeted floors or counter tops.

37 "Wet Mopping System" means a device with the following  
38 characteristics: A long handle, a mop head designed to be used with  
39 disposable absorbent cleaning pads, a reservoir for cleaning solution,  
40 and a built-in mechanism for distributing or spraying the cleaning  
41 solution onto a floor, or a method of equivalent efficacy.

42 "Window Trough" means, for a typical double-hung window, the  
43 portion of the exterior window sill between the interior window sill  
44 (or stool) and the frame of the storm window. If there is no storm  
45 window, the window trough is the area that receives both the upper and

1 lower window sashes when they are both lowered. The window trough is  
2 sometimes referred to as the window "well."

3 "Wipe Sample" means a sample collected by wiping a representative  
4 surface of known area, as determined by ASTM E1728, "Standard Practice  
5 for Field Collection of Settled Dust Samples Using Wipe Sampling  
6 Methods for Lead Determination by Atomic Spectrometry Techniques", or  
7 equivalent method, with an acceptable wipe material as defined in ASTM  
8 E1792, "Standard Specification for Wipe Sampling Materials for Lead  
9 in Surface Dust."

10 "Work Area" means the area that the certified renovator  
11 establishes to contain the dust and debris generated by a renovation.

12 "0-Bedroom Dwelling" means any residential dwelling in which the  
13 living area is not separated from the sleeping area. The term includes  
14 efficiencies, studio apartments, dormitory housing, military  
15 barracks, and rentals of individual rooms in residential dwellings.  
16

17 **KEY: definitions, paint, lead-based paint**

18 **Date of Enactment or Last Substantive Amendment: May 3, 2012**

19 **Notice of Continuation: November 13, 2018**

20 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

**State of Utah**  
**Administrative Rule Analysis**  
 Revised May 2020

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New ___ Amendment __X___; Repeal ___; Repeal and Reenact ___		
<b>Title No. - Rule No. - Section No.</b>		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-840</b>	<b>Filing No. (Office Use Only)</b>
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>	

**Agency Information**

<b>1. Department:</b>	Utah Department of Air Quality	
<b>Agency:</b>	Utah Department of Environmental Quality	
<b>Room no.:</b>		
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 North 1950 West	
<b>City, state:</b>	Salt Lake City, Utah	
<b>Mailing address:</b>	P.O. Box 144820	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Liam Thrailkill	801-536-4419	<a href="mailto:lthrailkill@utah.gov">lthrailkill@utah.gov</a>
Wade Hess	801-707-2428	wadehess@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
<i>R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions.</i>
<b>3. Purpose of the new rule or reason for the change</b> (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The Environmental Protection Agency amended the definition of “clearance levels” and “dust-lead hazard”. In order to maintain EPA-authorization, our program must implement these rule changes within two years from the date they were enacted. The definition of “elevated blood lead level” was also changed to accurately reflect the definition used by the Center of Disease Control.
<b>4. Summary of the new rule or change:</b>
The new definition of clearance levels specifies that values below the clearance levels must be met to achieve clearance. Dust-lead hazard standards have been reduced from 40 µg/ft <sup>2</sup> and 250 µg/ft <sup>2</sup> to 10 µg/ft <sup>2</sup> and 100 µg/ft <sup>2</sup> on floors and window sills, respectively. To be considered an elevated blood lead level, the concentration of lead in whole blood has changed from ≥20 ug/dl to ≥5 ug/dl.
A public hearing is set for Tuesday, August 3, 2021. Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, August 2, at 10:00AM MDT. The final status of the public hearing will be posted on Monday, August 2, 2021, after 10:00AM MDT. The status of the public hearing may be checked at the following website location under the corresponding rule.
<a href="https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment">https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</a>

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no anticipated costs or savings to the state budget.

**B) Local governments:**

There are no anticipated costs or savings to local governments because this rulemaking is not applicable to them.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

Small Businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

Non-small Businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no anticipated costs or savings for persons other than small businesses, non-small businesses, state, or local governments.

**F) Compliance costs for affected persons:**

There are no anticipated compliance costs for affected persons outside of the previously stated minor impacts on small and non-small businesses.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The head of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved of this impact analysis.

**6. A) Comments by the department head on the fiscal impact this rule may have on businesses:**

This rulemaking is not anticipated to have measurable fiscal impacts on businesses. The only impact to businesses may be in marginally longer clean-up times that may require the use of more cleaning products.

**B) Name and title of department head commenting on the fiscal impacts:**

Kimberly D. Shelley, Executive Director

**Citation Information**

**7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

19-2-104(1)(i)		

**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables.)

**8. A) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

First Incorporation	
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**B) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Second Incorporation	
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until (mm/dd/yyyy):</b>	08/03/2021	
<b>B) A public hearing (optional) will be held:</b>		
<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
08/03/2021	10:00 AM MDT	meet.google.com/phs-bges-gjs or by phone: +1 617-675-4444 PIN: 783 369 570 5377#

**10. This rule change MAY become effective on (mm/dd/yyyy):** 08/10/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date (mm/dd/yyyy):</b>	05/18/2021
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## **R307. Environmental Quality, Air Quality.**

### **R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions.**

#### **R307-840-1. Purpose and Applicability.**

(1) Rule R307-840, R307-841, and R307-842 establish procedures and requirements for the accreditation of training programs for lead-based paint activities and renovations, procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities and renovations, and work practice standards for performing such activities. These rules also require that, except as outlined in R307-840-1(2), all lead-based paint activities and renovations, as defined in these rules, must be performed by certified individuals and firms.

(2) R307-840, R307-841, and R307-842 apply to all individuals and firms who are engaged in lead-based paint activities and renovations as defined in R307-840-2, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(3) R307-840, R307-841, and R307-842 identify lead-based paint hazards. The standards for lead-based paint hazards apply to target housing and child-occupied facilities.

(4) R307-840, R307-841, and R307-842 do not require the owner of the property or properties subject to these rules to evaluate the property or properties for the presence of lead-based paint hazards or take any action to control these conditions if one or more of them is identified.

(5) While R307-840, R307-841, and R307-842 establish specific requirements for performing lead-based paint activities and renovations should they be undertaken, these rules do not require that the owner or occupant undertake any particular lead-based paint activity or renovation.

(6) Individuals or firms wishing to deviate from the certification, notification, work practice, or other requirements of R307-840, R307-841, and/or R307-842 may do so only after requesting and obtaining written approval from the director.

#### **R307-840-2. Definitions.**

The following definitions apply to R307-840, R307-841, and R307-842, in addition to the definitions found in R307-101-2.

"Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:

(1) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(2) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

(3) Specifically, abatement includes, but is not limited to:

(a) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(i) Shall result in the permanent elimination of lead-based paint hazards; or

(ii) Are designed to permanently eliminate lead-based paint hazards and are described in paragraphs (1) and (2) of this definition.

(b) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals certified in accordance with R307-842-2, unless such projects are covered by paragraph (4) of this definition;

(c) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by paragraph (4) of this definition; or

(d) Projects resulting in the permanent elimination of lead-based paint hazards that are conducted in response to State of Utah or local abatement orders.

(4) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

"Accredited Training Program" means a training program that has been accredited by the director pursuant to R307-842-1 to provide training for individuals engaged in lead-based paint activities.

"Adequate Quality Control" means a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.

"Arithmetic Mean" means the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).

"Business Day" means Monday through Friday with the exception of federal and State of Utah holidays.

"Certificate of Mailing" means Certificate of Mailing as defined by the United States Postal Service.

"Certified Abatement Worker" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to perform abatements.

"Certified Dust Sampling Technician" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-841-8(1) and R307-842-2 to collect dust samples.

"Certified Firm" means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other

business entity; a federal, state, tribal, or local government agency; or a nonprofit organization that performs lead-based paint activities, renovations, or dust sampling to which the director has issued a certificate of approval pursuant to R307-842-2(5).

"Certified Inspector" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to conduct inspections. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Certified Project Designer" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to prepare abatement project designs, occupant protection plans, and abatement reports.

"Certified Renovator" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-841-8(1) and R307-842-2 to conduct renovations.

"Certified Risk Assessor" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to conduct risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Certified Supervisor" means an individual who has been trained by an accredited training program and certified by the director pursuant to R307-842-2 to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

"Chewable Surface" means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that can not be dented by the bite of a young child are not considered chewable.

"Child-Occupied Facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

"Cleaning Verification Card" means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed.

"Clearance Levels" are values that indicate the ~~maximum~~ amount of lead ~~permitted~~ in dust on a surface following completion of an abatement activity. To achieve clearance when dust sampling is required, values below these levels must be achieved.

"Common Area" means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

"Common Area Group" means a group of common areas that are similar in design, construction, and function. Common area groups include, but are not limited to hallways, stairways, and laundry rooms.

"Component or Building Component" means specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners, and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

"Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.

"Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

"Course Agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

"Course Test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

"Course Test Blue Print" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

"Deteriorated Paint" means any interior or exterior paint or other coating that is flaking, peeling, chipping, chalking, or cracking, or any other paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

"Discipline" means one of the specific types or categories of lead-based paint activities identified in this rule for which individuals may receive training from accredited programs and become certified by the director. Disciplines include Abatement Worker, Dust Sampling Technician, Inspector, Project Designer, Renovator, Risk Assessor, and Supervisor.

"Distinct Painting History" means the application history, as indicated by its visual appearance or a record of application, over

time, of paint or other surface coatings to a component or room.

"Documented Methodologies" are methods or protocols used to sample for the presence of lead in paint, dust, and soil.

"Dripline" means the area within 3 feet surrounding the perimeter of the building.

"Dry Disposable Cleaning Cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

"Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding ~~[40]~~10 ug/ft<sup>2</sup> on floors or ~~[250]~~100 ug/ft<sup>2</sup> on interior window sills based on wipe samples.

"Elevated Blood Lead Level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of ~~[20]~~≥5 micrograms of lead per deciliter of whole blood (ug/dl) for a single ~~[venous test or of 15-19 ug/dl in two consecutive tests taken 3 to 4 months apart]~~venous blood test or two capillary blood tests drawn within 12 weeks of each other.

"Emergency Renovation Operations" means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

"Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

"Encapsulation" means the application of an encapsulant.

"Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

"EPA" means the United States Environmental Protection Agency.

"Friction Surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

"Guest Instructor" means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

"Hands-On Skills Assessment" means an evaluation which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in R307-842-1(4), as well as any other skill taught in a training course.

"Hazardous Waste" means any waste as defined in 40 CFR 261.3.

"HEPA Vacuum" means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particulates of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturer's instructions.

"Housing for the Elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.

"HUD" means the United States Department of Housing and Urban Development.

"Impact Surface" means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.

"Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

"Interim Certification" means the status of an individual who has successfully completed the appropriate training course in a discipline from an accredited training program, as defined by this section, but has not yet received formal certification in that discipline from the director pursuant to R307-842-2. Interim certification expires 6 months after the completion of the training course, and is equivalent to a certificate for the 6-month period.

"Interim Controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

"Interior Window Sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.

"Lead-Based Paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5% by weight.

"Lead-Based Paint Activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

"Lead-Based Paint Activities Courses" means initial and refresher training courses (worker, supervisor, inspector, risk assessor, project designer) provided by accredited training programs.

"Lead-Based Paint Hazard" means, for the purposes of lead-based paint activities, any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the Administrator of the EPA pursuant to TSCA Section 403, and for the purposes of renovation, means hazardous lead-based paint, dust-lead hazard, or soil-lead hazard as identified in R307-840-2.

"Lead-Hazard Screen" means a limited risk assessment activity that involves limited paint and dust sampling as described in R307-842-3(3).

"Living Area" means any area of a residential dwelling used by one or more children age 6 and under, including, but not limited

to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

"Loading" means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

"Local Government" means a county, city, town, borough, parish, district, association, or other public body (including an agency comprised of two or more of the foregoing entities) created under state law.

"Mid-Yard" means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

"Minor Repair and Maintenance Activities" are activities, including minor heating, ventilation, or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by R307-841-5(1)(c) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

"Multi-Family Dwelling" means a structure that contains more than one separate residential dwelling unit which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"Multi-Family Housing" means a housing property consisting of more than four dwelling units.

"Nonprofit" means an entity which has demonstrated to any branch of the federal government or to a state, municipal, tribal or territorial government, that no part of its net earnings inure to the benefit of any private shareholder or individual.

"Owner" means any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations, except where a mortgagee holds legal title to property serving as collateral for a mortgage loan, in which case the owner would be the mortgagor.

"Paint In Poor Condition" means more than 10 square feet of deteriorated paint on exterior components with large surface areas, or more than 2 square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors), or more than 10% of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

"Paint-lead hazard" means any of the following:

(a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust-lead hazard levels identified in the definition of "Dust-lead hazard".

(b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks.

(d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

"Painted surface" means a component surface covered in whole or in part with paint or other surface coatings.

"Pamphlet" means the EPA pamphlet titled "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools" developed under Section 406(a) of TSCA for use in complying with section 406(b) of TSCA. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or revision of state or local sources of information).

"Permanently Covered Soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

"Person" means any natural or judicial person including any individual, corporation, partnership, or association, any Indian tribe, state, or political subdivision thereof, any interstate body, and any department, agency, or instrumentality of the federal government.

"Play Area" means an area of frequent soil contact by children of less than 6 years of age as indicated by, but not limited to, such factors including the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

"Principal Instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.

"Recognized Laboratory" means an environmental laboratory recognized by EPA pursuant to TSCA Section 405(b) as being capable of performing an analysis for lead compounds in paint, soil, and dust.

"Recognized Test Kit" means a commercially available kit recognized by EPA under 40 CFR 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5% lead by weight, in a paint chip, paint powder, or painted surface.

"Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

"Renovation" means the modification of an existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by R307-840-2. The term renovation includes, but is not limited to, the removal, modification, or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)), the removal of

building components (e.g., walls, ceilings, plumbing, windows), weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this rule. The term renovation does not include minor repair and maintenance activities.

"Renovator" means an individual who either performs or directs workers who perform renovations.

"Residential Building" means a building containing one or more residential dwellings.

"Residential Dwelling" means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"Risk Assessment" means (1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and (2) the provision of a report by the individual or firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least 6 inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.

"Soil Sample" means a sample collected in a representative location using ASTM E1727, "Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques," or equivalent method.

"Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (ug/g) in a play area or average 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

"Start Date" means the first day of any lead-based paint activities training course or lead-based paint abatement activity.

"Start Date Provided to the director" means the start date included in the original notification or the most recent start date provided to the director in an updated notification.

"State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.

"Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

"Training curriculum" means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.

"Training Hour" means at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.

"TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601.

"Training Manager" means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.

"Training Provider" means any organization or entity accredited under R307-842-1 to offer lead-based paint activities, renovator, or dust sampling technician courses.

"Vertical containment" means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area. Vertical containment is required for some exterior renovations but it may be used on any renovation.

"Visual Inspection for Clearance Testing" means the visual examination of a residential dwelling or a child-occupied facility following abatement to determine whether or not the abatement has been successfully completed.

"Visual Inspection for Risk Assessment" means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

"Weighted Arithmetic Mean" means the arithmetic mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The weighted arithmetic mean is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample, and dividing the sum by the total number of subsamples contained in all samples. For example, the weighted arithmetic mean of a single surface sample containing 60 ug/ft<sup>2</sup>, a composite sample (3 subsamples) containing 100 ug/ft<sup>2</sup>, and a composite sample (4 subsamples) containing 110 ug/ft<sup>2</sup> is 100 ug/ft<sup>2</sup>. This result is based on the equation  $(60+(3*100)+(4*110))/(1+3+4)$ .

"Wet Disposable Cleaning Cloth" means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

"Wet Mopping System" means a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.

"Window Trough" means, for a typical double-hung window, the portion of the exterior window sill between the interior window

sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window "well."

"Wipe Sample" means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques", or equivalent method, with an acceptable wipe material as defined in ASTM E1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust."

"Work Area" means the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

"0-Bedroom Dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

**KEY: definitions, paint, lead-based paint**

**Date of Enactment or Last Substantive Amendment: May 3, 2012**

**Notice of Continuation: November 13, 2018**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

1 R307. Environmental Quality, Air Quality.

2 **R307-841. Residential Property and Child-Occupied Facility**  
3 **Renovation.**

4 **R307-841-1. Purpose.**

5 This rule implements 40 CFR 745, regulations developed under  
6 Sections 402 and 406 of the Toxic Substances Control Act (15 U.S.C.  
7 2682 and 2686) and applies to all renovations performed for  
8 compensation in target housing and child-occupied facilities. The  
9 purpose of this rule is to ensure the following:

10 (1) Owners and occupants of target housing and child-occupied  
11 facilities receive information on lead-based paint hazards before  
12 these renovations begin; and

13 (2) Individuals performing renovations regulated in accordance  
14 with R307-841-3 are properly trained; renovators and firms performing  
15 these renovations are certified; and the work practices in R307-841-5  
16 are followed during these renovations.

17  
18 **R307-841-2. Effective Dates.**

19 (1) Training, certification and accreditation requirements,  
20 and work practice standards. The training, certification and  
21 accreditation requirements and work practice standards in this rule  
22 are applicable as follows:

23 (a) Training programs. Effective April 8, 2010, no training  
24 program may provide, offer, or claim to provide training or refresher  
25 training for director certification as a renovator or a dust sampling  
26 technician without accreditation from the director under R307-842-1.  
27 Training programs may apply for accreditation under R307-842-1;

28 (b) Firms.

29 (i) Firms may apply for certification under R307-841-7  
30 beginning April 8, 2010.

31 (ii) On or after April 8, 2010, no firm may perform, offer, or  
32 claim to perform renovations without certification from the director  
33 under R307-841-7 in target housing or child-occupied facilities,  
34 unless the renovation qualifies as one of the exceptions identified  
35 in R307-841-3(1).

36 (c) Individuals. On or after April 8, 2010, all renovations  
37 must be directed by renovators certified in accordance with  
38 R307-841-8(1) and performed by certified renovators or individuals  
39 trained in accordance with R307-841-8(2)(b) in target housing or  
40 child-occupied facilities, unless the renovation qualifies for one of  
41 the exceptions identified in R307-841-3(1).

42 (d) Work practices.

43 (i) On or after April 8, 2010 and before July 5, 2012, all  
44 renovations must be performed in accordance with the work practice  
45 standards in R307-841-5 and the associated recordkeeping requirements

1 in R307-841-6(2)(a) and (2)(f) in target housing or child-occupied  
2 facilities, unless the renovation qualifies for the exceptions  
3 identified in R307-841-3(1). This does not apply to renovations in  
4 target housing for which the firm performing the renovation has  
5 obtained a statement signed by the owner that the renovation will occur  
6 in the owner's residence, no child under age six resides there, the  
7 housing is not a child-occupied facility, and the owner acknowledges  
8 that the work practices to be used during the renovation will not  
9 necessarily include all of the lead-safe work practices contained in  
10 EPA's renovation, repair, and painting rule. For the purposes of this  
11 section, a child resides in the primary residence of his or her  
12 custodial parents, legal guardians, and foster parents. A child also  
13 resides in the primary residence of an informal caretaker if the child  
14 lives and sleeps most of the time at the caretaker's residence.

15 (ii) On or after July 5, 2012, all renovations must be performed  
16 in accordance with the work practice standards in R307-841-5 and the  
17 associated recordkeeping requirements in R307-841-6(2)(a) and (2)(f)  
18 in target housing or child-occupied facilities, unless the renovation  
19 qualifies for the exception identified in R307-841-3(1).

20 (2) Renovation-specific pamphlet. Renovators or firms  
21 performing renovations must provide owners and occupants with  
22 "Renovate Right: Important Lead Hazard Information for Families, Child  
23 Care Providers and Schools."  
24

### 25 **R307-841-3. Applicability.**

26 (1) This rule applies to all renovations performed for  
27 compensation in target housing and child-occupied facilities, except  
28 for the following:

29 (a) Renovations in target housing or child-occupied facilities  
30 in which a written determination has been made by an inspector or risk  
31 assessor, certified pursuant to R307-842-2, that the components  
32 affected by the renovation are free of paint or other surface coatings  
33 that contain lead equal to or in excess of 1.0 milligrams/per square  
34 centimeter (mg/cm<sup>2</sup>) or 0.5% by weight, where the firm performing the  
35 renovation has obtained a copy of the determination; or

36 (b) Renovations in target housing or child-occupied facilities  
37 in which a certified renovator, using an EPA-recognized test kit as  
38 defined in R307-840-2 and following the kit manufacturer's  
39 instructions, has tested each component affected by the renovation and  
40 determined that the components are free of paint or other surface  
41 coatings that contain lead equal to or in excess of 1.0 mg/cm<sup>2</sup> or 0.5%  
42 by weight. If the components make up an integrated whole, such as the  
43 individual stair treads and risers of a single staircase, the renovator  
44 is required to test only one of the individual components, unless the  
45 individual components appear to have been repainted or refinished

1 separately.

2 (c) Renovations in target housing or child-occupied facilities  
3 in which a certified renovator has collected a paint chip sample from  
4 each painted component affected by the renovation and a laboratory  
5 recognized by EPA pursuant to section 405(b) of TSCA as being capable  
6 of performing analyses for lead compounds in paint chip samples has  
7 determined that the samples are free of paint or other surface coatings  
8 that contain lead equal to or in excess of 1.0 mg/cm<sup>2</sup> or 0.5% by weight.  
9 If the components make up an integrated whole, such as the individual  
10 stair treads and risers of a single staircase, the renovator is  
11 required to test only one of the individual components, unless the  
12 individual components appear to have been repainted or refinished  
13 separately.

14 (2) The information distribution requirements in R307-841-4 do  
15 not apply to emergency renovations, which are renovation activities  
16 that were not planned but result from a sudden, unexpected event (such  
17 as non-routine failures of equipment) that, if not immediately  
18 attended to, presents a safety or public health hazard, or threatens  
19 equipment and/or property with significant damage. Interim controls  
20 performed in response to an elevated blood lead level in a resident  
21 child are also emergency renovations. Emergency renovations other  
22 than interim controls are also exempt from the warning sign,  
23 containment, waste handling, training, and certification requirements  
24 in R307-841-5, R307-841-7, and R307-841-8 to the extent necessary to  
25 respond to the emergency. Emergency renovations are not exempt from  
26 the cleaning requirements of R307-841-5(1)(e) which must be performed  
27 by certified renovators or individuals trained in accordance with  
28 R307-841-8(2)(b), the cleaning verification requirements of  
29 R307-841-5(2), which must be performed by certified renovators, and  
30 the recordkeeping requirements of R307-841-6(2)(e) and (f).

31

32 **R307-841-4. Information Distribution Requirements.**

33 (1) Renovations in dwelling units. No more than 60 days before  
34 beginning renovation activities in any residential dwelling unit of  
35 target housing, the firm performing the renovation must:

36 (a) Provide the owner of the unit with the pamphlet, and comply  
37 with one of the following:

38 (i) Obtain, from the owner, a written acknowledgment that the  
39 owner has received the pamphlet; or

40 (ii) Obtain a certificate of mailing at least 7 days prior to  
41 the renovation; and

42 (b) If the owner does not occupy the dwelling unit, provide an  
43 adult occupant of the unit with the pamphlet, and comply with one of  
44 the following:

45 (i) Obtain, from the adult occupant, a written acknowledgment

1 that the occupant has received the pamphlet, or certify in writing that  
2 a pamphlet has been delivered to the dwelling and that the firm  
3 performing the renovation has been unsuccessful in obtaining a written  
4 acknowledgment from an adult occupant. Such certification must  
5 include the address of the unit undergoing renovation, the date and  
6 method of delivery of the pamphlet, names of the persons delivering  
7 the pamphlet, reason for lack of acknowledgment (e.g., occupant  
8 refuses to sign, no adult occupant available), the signature of a  
9 representative of the firm performing the renovation, and the date of  
10 signature; or

11 (ii) Obtain a certificate of mailing at least 7 days prior to  
12 the renovation.

13 (2) Renovations in common areas. No more than 60 days before  
14 beginning renovation activities in common areas of multi-unit target  
15 housing, the firm performing the renovation must:

16 (a) Provide the owner with the pamphlet, and comply with one of  
17 the following:

18 (i) Obtain, from the owner, a written acknowledgment that the  
19 owner has received the pamphlet; or

20 (ii) Obtain a certificate of mailing at least 7 days prior to  
21 the renovation;

22 (b) Comply with one of the following:

23 (i) Notify in writing, or ensure written notification of, each  
24 affected unit and make the pamphlet available upon request prior to  
25 the start of renovation. Such notification shall be accomplished by  
26 distributing written notice to each affected unit. The notice shall  
27 describe the general nature and locations of the planned renovation  
28 activities, the expected starting and ending dates, and a statement  
29 of how the occupant can obtain the pamphlet and a copy of the records  
30 required by R307-841-6(3) and (4) at no cost to the occupants; or

31 (ii) While the renovation is ongoing, post informational signs  
32 describing the general nature and locations of the renovation and the  
33 anticipated completion date. These signs must be posted in areas  
34 where they are likely to be seen by the occupants of all of the affected  
35 units. The signs must be accompanied by a posted copy of the pamphlet  
36 or information on how interested occupants can review a copy of the  
37 pamphlet or obtain a copy from the renovation firm at no cost to  
38 occupants. The signs must also include information on how interested  
39 occupants can review a copy of the records required by R307-841-6(3)  
40 and (4) or obtain a copy from the renovation firm at no cost to the  
41 occupants;

42 (c) Prepare, sign, and date a statement describing the steps  
43 performed to notify all occupants of the intended renovation  
44 activities and to provide the pamphlet; and

45 (d) If the scope, locations, or expected starting and ending

1 dates of the planned renovation activities change after the initial  
2 notification, and the firm provided written initial notification to  
3 each affected unit, the firm performing the renovation must provide  
4 further written notification to the owners and occupants providing  
5 revised information on the ongoing or planned activities. This  
6 subsequent notification must be provided before the firm performing  
7 the renovation initiates work beyond that which was described in the  
8 original notice.

9 (3) Renovations in child-occupied facilities. No more than 60  
10 days before beginning renovation activities in any child-occupied  
11 facility, the firm performing the renovation must:

12 (a)(i) Provide the owner of the building with the pamphlet, and  
13 comply with one of the following:

14 (A) Obtain, from the owner, a written acknowledgment that the  
15 owner has received the pamphlet; or

16 (B) Obtain a certificate of mailing at least 7 days prior to the  
17 renovation;

18 (ii) If the adult representative of the child-occupied facility  
19 is not the owner of the building, provide an adult representative of  
20 the child-occupied facility with the pamphlet, and comply with one of  
21 the following:

22 (A) Obtain, from the adult representative, a written  
23 acknowledgment that the adult representative has received the  
24 pamphlet, or certify in writing that a pamphlet has been delivered to  
25 the facility and that the firm performing the renovation has been  
26 unsuccessful in obtaining a written acknowledgment from an adult  
27 representative. Such certification must include the address of the  
28 child-occupied facility undergoing renovation, the date and method of  
29 delivery of the pamphlet, names of the persons delivering the pamphlet,  
30 reason for lack of acknowledgment (e.g., representative refuses to  
31 sign), the signature of a representative of the firm performing the  
32 renovation, and the date of signature; or

33 (B) Obtain a certificate of mailing at least 7 days prior to the  
34 renovation;

35 (b) Provide the parents and guardians of children using the  
36 child-occupied facility with the pamphlet and information describing  
37 the general nature and locations of the renovation and the anticipated  
38 completion date and information on how interested parents or guardians  
39 of children frequenting the child-occupied facility can review a copy  
40 of the records required by R307-841-6(3) and (4) or obtain a copy from  
41 the renovation firm at no cost to the parents or guardians by complying  
42 with one of the following:

43 (i) Mail or hand-deliver the pamphlet and the renovation  
44 information to each parent or guardian of a child using the  
45 child-occupied facility; or

1 (ii) While the renovation is ongoing, post informational signs  
2 describing the general nature and locations of the renovation and the  
3 anticipated completion date. These signs must be posted in areas  
4 where they can be seen by the parents or guardians of the children  
5 frequenting the child-occupied facility. The signs must be  
6 accompanied by a posted copy of the pamphlet or information on how  
7 interested parents or guardians of children frequenting the  
8 child-occupied facility can review a copy of the pamphlet or obtain  
9 a copy from the renovation firm at no cost to the parents or guardians.  
10 The signs must also include information on how interested parents or  
11 guardians of children frequenting the child-occupied facility can  
12 review a copy of the records required by R307-841-6(3) and (4) or obtain  
13 a copy from the renovation firm at no cost to the parents or guardians.

14 (c) The renovation firm must prepare, sign, and date a statement  
15 describing the steps performed to notify all parents and guardians of  
16 the intended renovation activities and to provide the pamphlet.

17 (4) Written acknowledgment. The written acknowledgments  
18 required by paragraphs (1)(a)(i), (1)(b)(i), (2)(a)(i), (3)(a)(i)(A),  
19 and (3)(a)(ii)(A) of this section must:

20 (a) Include a statement recording the owner or occupant's name  
21 and acknowledging receipt of the pamphlet prior to the start of  
22 renovation, the address of the unit undergoing renovation, the  
23 signature of the owner or occupant as applicable, and the date of  
24 signature;

25 (b) Be either a separate sheet or part of any written contract  
26 or service agreement for the renovation; and

27 (c) Be written in the same language as the text of the contract  
28 or agreement for the renovation or, in the case of non-owner occupied  
29 target housing, in the same language as the lease or rental agreement  
30 or the pamphlet.

### 31 32 **R307-841-5. Work Practice Standards.**

33 (1) Standards for renovation activities. Renovations must be  
34 performed by firms certified under R307-841-7 using renovators  
35 certified under R307-841-8. The responsibilities of certified firms  
36 are set forth in R307-841-7(4) and the responsibilities of certified  
37 renovators are set forth in R307-841-8(2).

38 (a) Occupant protection. Firms must post signs clearly  
39 defining the work area and warning occupants and other persons not  
40 involved in renovation activities to remain outside of the work area.  
41 To the extent practicable, these signs must be in the primary language  
42 of the occupants. These signs must be posted before beginning the  
43 renovation, must remain in place, and must be readable until the  
44 renovation and the post-renovation cleaning verification have been  
45 completed. If warning signs have been posted in accordance with 24

1 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are not  
2 required by this section.

3 (b) Containing the work area. Before beginning the renovation,  
4 the firm must isolate the work area so that no dust or debris leaves  
5 the work area while the renovation is being performed. In addition,  
6 the firm must maintain the integrity of the containment by ensuring  
7 that any plastic or other impermeable materials are not torn or  
8 displaced, and taking any other steps necessary to ensure that no dust  
9 or debris leaves the work area while the renovation is being performed.  
10 The firm must also ensure that containment is installed in such a manner  
11 that it does not interfere with occupant and worker egress in an  
12 emergency.

13 (i) Interior renovations. The firm must:

14 (A) Remove all objects from the work area, including furniture,  
15 rugs, and window coverings, or cover them with plastic sheeting or  
16 other impermeable material with all seams and edges taped or otherwise  
17 sealed;

18 (B) Close and cover all duct openings in the work area with  
19 taped-down plastic sheeting or other impermeable material;

20 (C) Close windows and doors in the work area. Doors must be  
21 covered with plastic sheeting or other impermeable material. Doors  
22 used as an entrance to the work area must be covered with plastic  
23 sheeting or other impermeable material in a manner that allows workers  
24 to pass through while confining dust and debris to the work area;

25 (D) Cover the floor surface, including installed carpet, with  
26 taped-down plastic sheeting or other impermeable material in the work  
27 area 6 feet beyond the perimeter of surfaces undergoing renovation or  
28 a sufficient distance to contain the dust, whichever is greater. Floor  
29 containment measures may stop at the edge of the vertical barrier when  
30 using a vertical containment system consisting of impermeable barriers  
31 that extend from the floor to the ceiling and are tightly sealed at  
32 joints with the floor, ceiling, and walls; and

33 (E) Use precautions to ensure that all personnel, tools, and  
34 other items, including the exterior of containers of waste, are free  
35 of dust and debris before leaving the work area.

36 (ii) Exterior renovations. The firm must:

37 (A) Close all doors and windows within 20 feet of the renovation.  
38 On multi-story buildings, close all doors and windows within 20 feet  
39 of the renovation on the same floor as the renovation, and close all  
40 doors and windows on all floors below that are the same horizontal  
41 distance from the renovation;

42 (B) Ensure that doors within the work area that will be used  
43 while the job is being performed are covered with plastic sheeting or  
44 other impermeable material in a manner that allows workers to pass  
45 through while confining dust and debris to the work area;

1 (C) Cover the ground with plastic sheeting or other disposable  
2 impermeable material extending 10 feet beyond the perimeter of  
3 surfaces undergoing renovation or a sufficient distance to collect  
4 falling paint debris, whichever is greater, unless the property line  
5 prevents 10 feet of such ground covering. Ground containment measures  
6 may stop at the edge of the vertical barrier when using a vertical  
7 containment system; and

8 (D) If the renovation will affect surfaces within 10 feet of the  
9 property line, the renovation firm must erect vertical containment or  
10 equivalent extra precautions in containing the work area to ensure that  
11 dust and debris from the renovation does not contaminate adjacent  
12 buildings or migrate to adjacent properties. Vertical containment or  
13 equivalent extra precautions in containing the work area may also be  
14 necessary in other situations in order to prevent contamination of  
15 other buildings, other areas of the property, or adjacent buildings  
16 or properties.

17 (c) Prohibited and restricted practices. The work practices  
18 listed below are prohibited or restricted during a renovation as  
19 follows:

20 (i) Open-flame burning or torching of painted surfaces is  
21 prohibited;

22 (ii) The use of machines designed to remove paint or other  
23 surface coatings through high speed operation such as sanding,  
24 grinding, power planing, needle gun, abrasive blasting, or  
25 sandblasting, is prohibited on painted surfaces unless such machines  
26 have shrouds or containment systems and are equipped with a HEPA vacuum  
27 attachment to collect dust and debris at the point of generation.  
28 Machines must be operated so that no visible dust or release of air  
29 occurs outside the shroud or containment system; and

30 (iii) Operating a heat gun on painted surfaces is permitted only  
31 at temperatures below 1,100 degrees Fahrenheit.

32 (d) Waste from renovations.

33 (i) Waste from renovation activities must be contained to  
34 prevent releases of dust and debris before the waste is removed from  
35 the work area for storage or disposal. If a chute is used to remove  
36 waste from the work area, it must be covered.

37 (ii) At the conclusion of each work day and at the conclusion  
38 of the renovation, waste that has been collected from renovation  
39 activities must be stored under containment, in an enclosure, or behind  
40 a barrier that prevents release of dust and debris out of the work area  
41 and prevents access to dust and debris.

42 (iii) When the firm transports waste from renovation  
43 activities, the firm must contain the waste to prevent release of dust  
44 and debris.

45 (e) Cleaning the work area. After the renovation has been

1 completed, the firm must clean the work area until no dust, debris,  
2 or residue remains.

3 (i) Interior and exterior renovations. The firm must:

4 (A) Collect all paint chips and debris and, without dispersing  
5 any of it, seal this material in a heavy-duty bag; and

6 (B) Remove the protective sheeting. Mist the sheeting before  
7 folding it, fold the dirty side inward, and either tape shut to seal  
8 or seal in heavy-duty bags. Sheeting used to isolate contaminated  
9 rooms from non-contaminated rooms must remain in place until after the  
10 cleaning and removal of other sheeting. Dispose of the sheeting as  
11 waste.

12 (ii) Additional cleaning for interior renovations. The firm  
13 must clean all objects and surfaces in the work area and within 2 feet  
14 of the work area in the following manner, cleaning from higher to lower:

15 (A) Walls. Clean walls starting at the ceiling and working down  
16 to the floor by either vacuuming with a HEPA vacuum or wiping with a  
17 damp cloth;

18 (B) Remaining surfaces. Thoroughly vacuum all remaining  
19 surfaces and objects in the work area, including furniture and  
20 fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with  
21 a beater bar when vacuuming carpets and rugs; and

22 (C) Wipe all remaining surfaces and objects in the work area,  
23 except for carpeted or upholstered surfaces, with a damp cloth. Mop  
24 uncarpeted floors thoroughly, using a mopping method that keeps the  
25 wash water separate from the rinse water, such as the 2-bucket mopping  
26 method, or using a wet mopping system.

27 (2) Standards for post-renovation cleaning verification.

28 (a) Interiors.

29 (i) A certified renovator must perform a visual inspection to  
30 determine whether dust, debris, or residue is still present. If dust,  
31 debris, or residue is present, these conditions must be removed by  
32 re-cleaning and another visual inspection must be performed.

33 (ii) After a successful visual inspection, a certified  
34 renovator must:

35 (A) Verify that each windowsill in the work area has been  
36 adequately cleaned, using the following procedure.

37 (I) Wipe the windowsill with a wet disposable cleaning cloth  
38 that is damp to the touch. If the cloth matches or is lighter than  
39 the cleaning verification card, the windowsill has been adequately  
40 cleaned.

41 (II) If the cloth does not match and is darker than the cleaning  
42 verification card, re-clean the windowsill as directed in paragraphs  
43 (1)(e)(ii)(B) and (1)(e)(ii)(C) of this section, then either use a new  
44 cloth or fold the used cloth in such a way that an unused surface is  
45 exposed, and wipe the surface again. If the cloth matches or is

1 lighter than the cleaning verification card, that windowsill has been  
2 adequately cleaned.

3 (III) If the cloth does not match and is darker than the cleaning  
4 verification card, wait for 1 hour or until the surface has dried  
5 completely, whichever is longer.

6 (IV) After waiting for the windowsill to dry, wipe the  
7 windowsill with a dry disposable cleaning cloth. After this wipe, the  
8 windowsill has been adequately cleaned.

9 (B) Wipe uncarpeted floors and countertops within the work area  
10 with a wet disposable cleaning cloth. Floors must be wiped using  
11 application device with a long handle and a head to which the cloth  
12 is attached. The cloth must remain damp at all times while it is being  
13 used to wipe the surface for post-renovation cleaning verification.  
14 If the surface within the work area is greater than 40 square feet,  
15 the surface within the work area must be divided into roughly equal  
16 sections that are each less than 40 square feet. Wipe each such  
17 section separately with a new wet disposable cleaning cloth. If the  
18 cloth used to wipe each section of the surface within the work area  
19 matches the cleaning verification card, the surface has been  
20 adequately cleaned.

21 (I) If the cloth used to wipe a particular surface section does  
22 not match the cleaning verification card, re-clean that section of the  
23 surface as directed in paragraphs (1)(e)(ii)(B) and (1)(e)(ii)(C) of  
24 this section, then use a new wet disposable cleaning cloth to wipe that  
25 section again. If the cloth matches the cleaning verification card,  
26 that section of the surface has been adequately cleaned.

27 (II) If the cloth used to wipe a particular surface section does  
28 not match the cleaning verification card after the surface has been  
29 re-cleaned, wait for 1 hour or until the entire surface within the work  
30 area has dried completely, whichever is longer.

31 (III) After waiting for the entire surface within the work area  
32 to dry, wipe each section of the surface that has not yet achieved  
33 post-renovation cleaning verification with a dry disposable cleaning  
34 cloth. After this wipe, that section of the surface has been  
35 adequately cleaned.

36 (iii) When the work area passes the post-renovation cleaning  
37 verification, remove the warning signs.

38 (b) Exteriors. A certified renovator must perform a visual  
39 inspection to determine whether dust, debris, or residue is still  
40 present on surfaces in and below the work area, including windowsills  
41 and the ground. If dust, debris, or residue is present, these  
42 conditions must be eliminated and another visual inspection must be  
43 performed. When the area passes the visual inspection, remove the  
44 warning signs.

45 (3) Optional dust clearance testing. Cleaning verification

1 need not be performed if the contract between the renovation firm and  
2 the person contracting for the renovation or another federal, state,  
3 territorial, tribal, or local law or regulation requires:

4 (a) The renovation firm to perform dust clearance sampling at  
5 the conclusion of a renovation covered by this rule.

6 (b) The dust clearance samples are required to be collected by  
7 a certified inspector, risk assessor, or dust sampling technician.

8 (c) The renovation firm is required to re-clean the work area  
9 until the dust clearance sample results are below the clearance  
10 standards in R307-842-3(5)(h) or any local standard.

11 (4) Activities conducted after post-renovation cleaning  
12 verification. Activities that do not disturb paint, such as applying  
13 paint to walls that have already been prepared, are not regulated by  
14 this rule if they are conducted after post-renovation cleaning  
15 verification has been performed.

16  
17 **R307-841-6. Recordkeeping and Reporting Requirements.**

18 (1) Firms performing renovations must retain and, if requested,  
19 make available to the director all records necessary to demonstrate  
20 compliance with this rule for a period of 3 years following completion  
21 of the renovation. This 3-year retention requirement does not  
22 supersede longer obligations required by other provisions for  
23 retaining the same documentation.

24 (2) Records that must be retained pursuant to paragraph (1) of  
25 this section shall include (where applicable):

26 (a) Records or reports certifying that a determination had been  
27 made that lead-based paint is not present on the components affected  
28 by the renovation, as described in R307-841-3(1). These records or  
29 reports include:

30 (i) Reports prepared by a certified inspector or certified risk  
31 assessor certified pursuant to R307-842-2.

32 (ii) Records prepared by a certified renovator after using  
33 EPA-recognized test kits, including an identification of the  
34 manufacturer and model of any test kits used, a description of the  
35 components that were tested including their locations, and the result  
36 of each test kit used.

37 (iii) Records prepared by a certified renovator after collecting  
38 paint chip samples, including a description of the components that were  
39 tested including their locations, the name and address of the  
40 NLLAP-recognized entity performing the analysis, and the results for  
41 each sample.

42 (b) Signed and dated acknowledgments of receipt as described in  
43 R307-841-4(1)(a)(i), (1)(b)(i), (2)(a)(i), (3)(a)(i)(A), and  
44 (3)(a)(ii)(A).

45 (c) Certifications of attempted delivery as described in

1 R307-841-4(1)(b)(i) and (3)(a)(ii)(A).

2 (d) Certificates of mailing as described in  
3 R307-841-4(1)(a)(ii), (1)(b)(ii), (2)(a)(ii), (3)(a)(i)(B), and  
4 (3)(a)(ii)(B).

5 (e) Records of notification activities performed regarding  
6 common area renovations, as described in R307-841-4(2)(c) and (2)(d),  
7 and renovations in child-occupied facilities, as described in  
8 R307-841-4(3)(b).

9 (f) Documentation of compliance with the requirements of  
10 R307-841-5, including documentation that a certified renovator was  
11 assigned to the project, that the certified renovator provided  
12 on-the-job training for workers used on the project in a language that  
13 the workers can comprehend, that the certified renovator performed or  
14 directed workers who performed all of the tasks described in  
15 R307-841-5(1), and that the certified renovator performed the  
16 post-renovation cleaning verification described in R307-841-5(2).  
17 If the renovation firm was unable to comply with all of the requirements  
18 of this rule due to an emergency as defined in R307-841-3, the firm  
19 must document the nature of the emergency and the provisions of the  
20 rule that were not followed. This documentation must include a copy  
21 of the certified renovator's current Utah Lead-Based Paint Renovator  
22 certification card, and a certification by the certified renovator  
23 assigned to the project that:

24 (i) Training was provided to workers (topics must be identified  
25 for each worker).

26 (ii) Warning signs were posted at the entrances to the work area.

27 (iii) If test kits were used, that the specified brand of kits  
28 was used at the specified locations and that the results were as  
29 specified.

30 (iv) If paint chip samples were collected, that the samples were  
31 collected at the specified locations, that the specified  
32 NLLAP-recognized laboratory analyzed the samples, and that the results  
33 were as specified.

34 (v) The work area was contained by:

35 (A) Removing or covering all objects in the work area  
36 (interiors);

37 (B) Closing and covering all HVAC ducts in the work area  
38 (interiors);

39 (C) Closing all windows in the work area (interiors) or closing  
40 all windows in and within 20 feet of the work area (exteriors);

41 (D) Closing and sealing all doors in the work area (interiors)  
42 or closing and sealing all doors in and within 20 feet of the work area  
43 (exteriors);

44 (E) Covering doors in the work area that were being used to allow  
45 passage but prevent spread of dust;

1 (F) Covering the floor surface, including installed carpet,  
2 with taped-down plastic sheeting or other impermeable material in the  
3 work area 6 feet beyond the perimeter of surfaces undergoing renovation  
4 or a sufficient distance to contain the dust, whichever is greater  
5 (interiors) or covering the ground with plastic sheeting or other  
6 disposable impermeable material anchored to the building extending 10  
7 feet beyond the perimeter of surfaces undergoing renovation or a  
8 sufficient distance to collect falling paint debris, whichever is  
9 greater, unless the property line prevents 10 feet of such ground  
10 covering, weighted down by heavy objects (exteriors); and

11 (G) Installing (if necessary) vertical containment to prevent  
12 migration of dust and debris to adjacent property (exteriors).

13 (vi) Waste was contained on-site and while being transported  
14 off-site.

15 (vii) The work area was properly cleaned after the renovation  
16 by:

17 (A) Picking up all chips and debris, misting protective  
18 sheeting, folding it dirty side inward, and taping it for removal; and

19 (B) Cleaning the work area surfaces and objects using a HEPA  
20 vacuum and/or wet cloths or mops (interiors).

21 (viii) The certified renovator performed the post-renovation  
22 cleaning verification (the results of which must be briefly described,  
23 including the number of wet and dry cloths used).

24 (3)(a) When the final invoice for the renovation is delivered  
25 or within 30 days of the completion of the renovation, whichever is  
26 earlier, the renovation firm must provide information pertaining to  
27 compliance with this rule to the following persons:

28 (i) The owner of the building; and, if different,

29 (ii) An adult occupant of the residential dwelling, if the  
30 renovation took place within a residential dwelling, or an adult  
31 representative of the child-occupied facility, if the renovation took  
32 place within a child-occupied facility.

33 (b) When performing renovations in common areas of multi-unit  
34 target housing, renovation firms must post the information required  
35 by this rule or instructions on how interested occupants can obtain  
36 a copy of this information. This information must be posted in areas  
37 where it is likely to be seen by the occupants of all of the affected  
38 units.

39 (c) The information required to be provided by paragraph (3) of  
40 this section may be provided by completing the sample form titled  
41 "Sample Renovation Recordkeeping Checklist" or a similar form  
42 containing the test kit information required by R307-841-6(2)(a)(ii)  
43 and the training and work practice compliance information required by  
44 R307-841-6(2)(f).

45 (4) If dust clearance sampling is performed in lieu of cleaning

1 verification as permitted by R307-841-5(3), the renovation firm must  
2 provide, when the final invoice for the renovation is delivered or  
3 within 30 days of the completion of the renovation, whichever is  
4 earlier, a copy of the dust sampling report to:

5 (a) The owner of the building; and, if different,

6 (b) An adult occupant of the residential dwelling, if the  
7 renovation took place within a residential dwelling, or an adult  
8 representative of the child-occupied facility, if the renovation took  
9 place within a child-occupied facility.

10 (c) When performing renovations in common areas of multi-unit  
11 target housing, renovation firms must post these dust sampling reports  
12 or information on how interested occupants of the housing being  
13 renovated can obtain a copy of the report. This information must be  
14 posted in areas where they are likely to be seen by the occupants of  
15 all of the affected units.

16  
17 **R307-841-7. Firm Certification.**

18 (1) Initial certification.

19 (a) Firms that perform renovations for compensation must apply  
20 to the director for certification to perform renovations or dust  
21 sampling. To apply, a firm must submit to the director a completed  
22 "Lead-Based Paint Certification Application for Firms," signed by an  
23 authorized agent of the firm, and pay the correct amount of fees.

24 (b) After the director receives a firm's application, the  
25 director will take one of the following actions within 90 days of the  
26 date the application is received:

27 (i) The director will approve a firm's application if the  
28 director determines that it is complete and that the environmental  
29 compliance history of the firm, its principals, or its key employees  
30 does not show an unwillingness or inability to maintain compliance with  
31 environmental statutes or regulations. An application is complete if  
32 it contains all of the information requested on the form and includes  
33 at least the correct amount of fees. When the director approves a  
34 firm's application, the director will issue the firm a certificate with  
35 an expiration date not more than 5 years from the date the application  
36 is approved;

37 (ii) The director will request a firm to supplement its  
38 application if the director determines that the application is  
39 incomplete. If the director requests a firm to supplement its  
40 application, the firm must submit the requested information or pay the  
41 additional fees within 30 days of the date of the request; and

42 (iii) The director will not approve a firm's application if the  
43 firm does not supplement its application in accordance with paragraph  
44 (1)(b)(ii) of this section or if the director determines that the  
45 environmental compliance history of the firm, its principals, or its

1 key employees demonstrates an unwillingness or inability to maintain  
2 compliance with environmental statutes or regulations. The director  
3 will send the firm a letter giving the reason for not approving the  
4 application. The director will not refund the application fees. A  
5 firm may reapply for certification at any time by filing a new, complete  
6 application that includes the correct amount of fees.

7 (2) Re-certification. To maintain its certification, a firm  
8 must be re-certified by the director.

9 (a) Timely and complete application. To be re-certified, a  
10 firm must submit a complete application for re-certification. A  
11 complete application for re-certification includes a completed  
12 "Lead-Based Paint Certification Application for Firms" which contains  
13 all of the information requested by the form and is signed by an  
14 authorized agent of the firm, noting on the form that it is submitted  
15 as a re-certification. A complete application must also include the  
16 correct amount of fees.

17 (i) An application for re-certification is timely if it is  
18 postmarked 90 days or more before the date the firm's current  
19 certification expires. If the firm's application is complete and  
20 timely, the firm's current certification will remain in effect until  
21 its expiration date or until the director has made a final decision  
22 to approve or disapprove the re-certification application, whichever  
23 is later.

24 (ii) If the firm submits a complete re-certification  
25 application less than 90 days before its current certification  
26 expires, and the director does not approve the application before the  
27 expiration date, the firm's current certification will expire and the  
28 firm will not be able to conduct renovations until the director  
29 approves its re-certification application.

30 (iii) If the firm fails to obtain re-certification before the  
31 firm's current certification expires, the firm must not perform  
32 renovations or dust sampling until it is certified anew pursuant to  
33 paragraph (1), of this section.

34 (b) Director's action on an application. After the director  
35 receives a firm's application for re-certification, the director will  
36 review the application and take one of the following actions within  
37 90 days of receipt:

38 (i) The director will approve a firm's application if the  
39 director determines that it is timely and complete and that the  
40 environmental compliance history of the firm, its principals, or its  
41 key employees does not show an unwillingness or inability to maintain  
42 compliance with environmental statutes or regulations. When the  
43 director approves a firm's application for re-certification, the  
44 director will issue the firm a new certificate with an expiration date  
45 not more than 5 years from the date that the firm's current

1 certification expires.

2 (ii) The director will request a firm to supplement its  
3 application if the director determines that the application is  
4 incomplete.

5 (iii) The director will not approve a firm's application if it  
6 is not received or is not complete as of the date that the firm's current  
7 certification expires, or if the director determines that the  
8 environmental compliance history of the firm, its principals, or its  
9 key employees demonstrates an unwillingness or inability to maintain  
10 compliance with environmental statutes or regulations. The director  
11 will send the firm a letter giving the reason for not approving the  
12 application. The director will not refund the application fees. A  
13 firm may reapply for certification at any time by filing a new  
14 application and paying the correct amount of fees.

15 (3) Amendment of certification. A firm must amend its  
16 certification within 90 days of the date a change occurs to information  
17 included in the firm's most recent application. If the firm fails to  
18 amend its certification within 90 days of the date the change occurs,  
19 the firm may not perform renovations or dust sampling until its  
20 certification is amended.

21 (a) To amend a certification, a firm must submit a completed  
22 "Lead-Based Paint Certification Application for Firms," signed by an  
23 authorized agent of the firm, noting on the form that it is submitted  
24 as an amendment and indicating the information that has changed. The  
25 firm must also pay at least the correct amount of fees.

26 (b) If additional information is needed to process the  
27 amendment, or the firm did not pay the correct amount of fees, the  
28 director will request the firm to submit the necessary information or  
29 fees. The firm's certification is not amended until the firm complies  
30 with the request.

31 (c) Amending a certification does not affect the certification  
32 expiration date.

33 (4) Firm responsibilities. Firms performing renovations must  
34 ensure that:

35 (a) All individuals performing renovation activities on behalf  
36 of the firm are either certified renovators or have been trained by  
37 a certified renovator in accordance with R307-841-8;

38 (b) A certified renovator is assigned to each renovation  
39 performed by the firm and discharges all of the certified renovator  
40 responsibilities identified in R307-841-8;

41 (c) All renovations performed by the firm are performed in  
42 accordance with the work practice standards in R307-841-5;

43 (d) The pre-renovation education requirements of R307-841-4  
44 have been performed; and

45 (e) The recordkeeping requirements of R307-841-6 are met.

1  
2 **R307-841-8. Renovator Certification and Dust Sampling Technician**  
3 **Certification.**

4 (1) Renovator certification and dust sampling technician  
5 certification.

6 (a) To become a certified renovator or certified dust sampling  
7 technician, an individual must successfully complete an initial  
8 lead-based paint renovator or dust-sampling technician course  
9 accredited by the director under R307-842-1, the EPA under 40 CFR  
10 745.225, or a state or tribal program that has been authorized by EPA  
11 pursuant to subpart Q of 40 CFR 745.

12 (b) Individuals who have successfully completed an accredited  
13 abatement worker or supervisor course, or individuals who successfully  
14 completed a director, EPA, HUD, or EPA/HUD model renovation training  
15 course before October 4, 2011, but no later than the training course  
16 expiration date found on that training certificate, may take an  
17 accredited refresher renovator training course that includes hands-on  
18 training in lieu of the initial renovator training course to become  
19 a certified renovator.

20 (c) Individuals who have successfully completed an accredited  
21 lead-based paint inspector or risk assessor course before October 4,  
22 2011, but no later than the training course expiration date found on  
23 that training certificate, may take an accredited refresher dust  
24 sampling technician course in lieu of the initial training to become  
25 a certified dust sampling technician. Individuals who are currently  
26 certified as lead-based paint inspectors or risk assessors may act as  
27 certified dust sampling technicians without further training.

28 (d) To maintain renovator certification or dust sampling  
29 technician certification, an individual must complete a renovator or  
30 dust sampling technician refresher course accredited by the director  
31 under R307-842-1, the EPA under 40 CFR 745.225, or by a state or tribal  
32 program that is authorized under subpart Q of 40 CFR 745 within 5 years  
33 of the date the individual completed the initial course described in  
34 paragraph (1)(a) of this section. If the individual does not complete  
35 a refresher course within this time, the individual must re-take the  
36 initial course to become certified again. Individuals who complete  
37 a renovator course accredited by the director under R307-842-1, the  
38 EPA or an EPA authorized program on or before March 31, 2010, must  
39 complete a renovator refresher course accredited by the director under  
40 R307-842-1, the EPA or an EPA authorized program on or before March  
41 31, 2016, to maintain renovator certification. Individuals who  
42 completed a renovator course accredited by the director under  
43 R307-842-1, the EPA or an EPA authorized program between April 1, 2010  
44 and March 31, 2011, will have one year added to their original 5-year  
45 training certificate expiration date. Individuals who take a renovator

1 refresher course that does not include hands-on training will have a  
2 training course certificate expiration date 3 years from the date they  
3 complete the training. Individuals who take a refresher training  
4 course that includes hands-on training will have a training course  
5 certificate expiration date 5 years from the date they complete the  
6 training. Individuals who take the renovator refresher course  
7 without hands-on training must, for their next renovator refresher  
8 course, take a course that includes hands-on training.

9 (e) An individual shall be re-certified as a renovator or a dust  
10 sampling technician if the individual successfully completes the  
11 appropriate lead-based paint accredited refresher training course and  
12 submits a valid copy of the appropriate refresher course completion  
13 certificate. During the time period when the individual is not  
14 certified by the director, that individual cannot perform any  
15 regulated work activities that requires individual certification.

16 (2) Renovator responsibilities. Certified renovators are  
17 responsible for ensuring compliance with R307-841-5 at all renovations  
18 to which they are assigned. A certified renovator:

19 (a) Must perform all of the tasks described in R307-841-5(2) and  
20 must either perform or direct workers who perform all of the tasks  
21 described in R307-841-5(1);

22 (b) Must provide training to workers on the work practices  
23 required by R307-841-5(1) that they will be using in performing their  
24 assigned tasks;

25 (c) Must be physically present at the work site when the signs  
26 required by R307-841-5(1)(a) are posted, while the work area  
27 containment required by R307-841-5(1)(b) is being established, and  
28 while the work area cleaning required by R307-841-5(1)(e) is  
29 performed;

30 (d) Must regularly direct work being performed by other  
31 individuals to ensure that the work practices required by  
32 R307-841-5(1) are being followed, including maintaining the integrity  
33 of the containment barriers and ensuring that dust or debris does not  
34 spread beyond the work area;

35 (e) Must be available, either on-site or by telephone, at all  
36 times that renovations are being conducted;

37 (f) When requested by the party contracting for renovation  
38 services, must use an acceptable test kit to determine whether  
39 components to be affected by the renovation contain lead-based paint;

40 (g) Must have with them at the work site their current Utah  
41 Lead-Based Paint Renovator certification card; and

42 (h) Must prepare the records required by R307-841-6(2)(a)(ii),  
43 (iii), and (f).

44 (3) Dust sampling technician responsibilities. When  
45 performing optional dust clearance sampling under R307-841-5(3), a

1 certified dust sampling technician:

2 (a) Must collect dust samples in accordance with  
3 R307-842-3(5)(h), must send the collected samples to a laboratory  
4 recognized by EPA under TSCA Section 405(b), and must compare the  
5 results to the clearance levels in accordance with R307-842-3(5)(h);  
6 and

7 (b) Must have with them at the work site their current Utah  
8 Lead-Based Paint Dust Sampling Technician certification card.

9

10 **R307-841-9. Suspending, Revoking, or Modifying an Individual's or**  
11 **Firm's Certification.**

12 (1) Grounds for suspending, revoking, or modifying an  
13 individual's certification. The director may suspend, revoke, or  
14 modify an individual's certification if the individual fails to comply  
15 with state lead-based paint administrative rules. The director may  
16 also suspend, revoke, or modify a certified renovator's certification  
17 if the renovator fails to ensure that all assigned renovations comply  
18 with R307-841-5. In addition to an administrative or judicial finding  
19 of violation, execution of a consent agreement in settlement of an  
20 enforcement action constitutes, for purposes of this section, evidence  
21 of a failure to comply with relevant statutes or regulations.

22 (2) Grounds for suspending, revoking, or modifying a firm's  
23 certification. The director may suspend, revoke, or modify a firm's  
24 certification if the firm:

25 (a) Submits false or misleading information to the director in  
26 its application for certification or re-certification,

27 (b) Fails to maintain or falsifies records required in  
28 R307-841-6, or

29 (c) Fails to comply, or an individual performing a renovation  
30 on behalf of the firm fails to comply, with state lead-based paint  
31 administrative rules. In addition to an administrative or judicial  
32 finding of violation, execution of a consent agreement in settlement  
33 of an enforcement action constitutes, for purposes of this section,  
34 evidence of a failure to comply with relevant statutes or regulations.

35

36 **KEY: paint, lead-based paint, lead-based paint renovation**

37 **Date of Enactment or Last Substantive Amendment: May 9, 2017**

38 **Notice of Continuation: December 9, 2019**

39 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

**State of Utah**  
**Administrative Rule Analysis**  
 Revised May 2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___ Amendment _X___; Repeal ___; Repeal and Reenact ___		
<b>Title No. - Rule No. - Section No.</b>		
Utah Admin. Code Ref (R no.):	R307-841	<b>Filing No. (Office Use Only)</b>
Changed to Admin. Code Ref. (R no.):	R	

**Agency Information**

1. Department:	Utah Department of Air Quality	
Agency:	Utah Department of Environmental Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state:	Salt Lake City, Utah	
Mailing address:	P.O. Box 144820	
City, state, zip:	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Wade Hess	801-707-2428	wadehess@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>	R307-841. <i>Residential Property and Child-Occupied Facility Renovation.</i>
<b>3. Purpose of the new rule or reason for the change</b> (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):	On-site inspections have shown that remodel, repair, and painting workers are not always trained in a language workers can comprehend.
<b>4. Summary of the new rule or change:</b>	<p>The new rule ensures that workers doing remodel, repair, and painting work are trained in a language they can comprehend.</p> <p>A public hearing is set for Tuesday, August 3, 2021. Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, August 2, at 10:00AM MDT. The final status of the public hearing will be posted on Monday, August 2, 2021, after 10:00AM MDT. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p><a href="https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment">https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</a></p>

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	There are no anticipated costs or savings to the state budget because the rule amendments do not impact the state government.
<b>B) Local governments:</b>	There are no anticipated costs or savings to local governments because the rule amendments do not apply to them.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):	

There are no anticipated costs or savings to small businesses because the amendment does not incur fiscal impacts, as training is already a requirement.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There are no anticipated costs or savings to non-small businesses because the amendment does not incur fiscal impacts, as training is already a requirement.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities due to this rule amendment because it does not apply to them.

**F) Compliance costs for affected persons:**

There are no anticipated compliance costs for affected persons as a result of this rulemaking.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The head of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this fiscal analysis.

**6. A) Comments by the department head on the fiscal impact this rule may have on businesses:**

The rule amendments to R307-841 are not anticipated to have fiscal impacts on businesses because training is already required and these amendments are only specifying.

**B) Name and title of department head commenting on the fiscal impacts:**

Kimberly D. Shelley, Executive Director

**Citation Information**

**7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

19-2-104(1)(i)		

**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables.)

**8. A) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	<b>First Incorporation</b>
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<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**B) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	<b>Second Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until (mm/dd/yyyy):** 08/03/2021

**B) A public hearing (optional) will be held:**

<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
08/03/2021	10:00 AM MDT	meet.google.com/phs-bges-gjs  or by phone: +1 617-675-4444 PIN: 783 369 570 5377#

**10. This rule change MAY become effective on (mm/dd/yyyy):** 08/10/2021

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date (mm/dd/yyyy):</b>	05/18/2021
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## **R307. Environmental Quality, Air Quality.**

### **R307-841. Residential Property and Child-Occupied Facility Renovation.**

#### **R307-841-1. Purpose.**

This rule implements 40 CFR 745, regulations developed under Sections 402 and 406 of the Toxic Substances Control Act (15 U.S.C. 2682 and 2686) and applies to all renovations performed for compensation in target housing and child-occupied facilities. The purpose of this rule is to ensure the following:

- (1) Owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin; and
- (2) Individuals performing renovations regulated in accordance with R307-841-3 are properly trained; renovators and firms performing these renovations are certified; and the work practices in R307-841-5 are followed during these renovations.

#### **R307-841-2. Effective Dates.**

(1) Training, certification and accreditation requirements, and work practice standards. The training, certification and accreditation requirements and work practice standards in this rule are applicable as follows:

(a) Training programs. Effective April 8, 2010, no training program may provide, offer, or claim to provide training or refresher training for director certification as a renovator or a dust sampling technician without accreditation from the director under R307-842-1. Training programs may apply for accreditation under R307-842-1;

(b) Firms.

(i) Firms may apply for certification under R307-841-7 beginning April 8, 2010.

(ii) On or after April 8, 2010, no firm may perform, offer, or claim to perform renovations without certification from the director under R307-841-7 in target housing or child-occupied facilities, unless the renovation qualifies as one of the exceptions identified in R307-841-3(1).

(c) Individuals. On or after April 8, 2010, all renovations must be directed by renovators certified in accordance with R307-841-8(1) and performed by certified renovators or individuals trained in accordance with R307-841-8(2)(b) in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in R307-841-3(1).

(d) Work practices.

(i) On or after April 8, 2010 and before July 5, 2012, all renovations must be performed in accordance with the work practice standards in R307-841-5 and the associated recordkeeping requirements in R307-841-6(2)(a) and (2)(f) in target housing or child-occupied facilities, unless the renovation qualifies for the exceptions identified in R307-841-3(1). This does not apply to renovations in target housing for which the firm performing the renovation has obtained a statement signed by the owner that the renovation will occur in the owner's residence, no child under age six resides there, the housing is not a child-occupied facility, and the owner acknowledges that the work practices to be used during the renovation will not necessarily include all of the lead-safe work practices contained in EPA's renovation, repair, and painting rule. For the purposes of this section, a child resides in the primary residence of his or her custodial parents, legal guardians, and foster parents. A child also resides in the primary residence of an informal caretaker if the child lives and sleeps most of the time at the caretaker's residence.

(ii) On or after July 5, 2012, all renovations must be performed in accordance with the work practice standards in R307-841-5 and the associated recordkeeping requirements in R307-841-6(2)(a) and (2)(f) in target housing or child-occupied facilities, unless the renovation qualifies for the exception identified in R307-841-3(1).

(2) Renovation-specific pamphlet. Renovators or firms performing renovations must provide owners and occupants with "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools."

#### **R307-841-3. Applicability.**

(1) This rule applies to all renovations performed for compensation in target housing and child-occupied facilities, except for the following:

(a) Renovations in target housing or child-occupied facilities in which a written determination has been made by an inspector or risk assessor, certified pursuant to R307-842-2, that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter (mg/cm<sup>2</sup>) or 0.5% by weight, where the firm performing the renovation has obtained a copy of the determination; or

(b) Renovations in target housing or child-occupied facilities in which a certified renovator, using an EPA-recognized test kit as defined in R307-840-2 and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm<sup>2</sup> or 0.5% by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

(c) Renovations in target housing or child-occupied facilities in which a certified renovator has collected a paint chip sample from each painted component affected by the renovation and a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip samples has determined that the samples are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm<sup>2</sup> or 0.5% by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

(2) The information distribution requirements in R307-841-4 do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations. Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in R307-841-5, R307-841-7, and R307-841-8 to the extent necessary to respond to the emergency. Emergency renovations are not exempt from the cleaning requirements of R307-841-5(1)(e) which must be performed by certified renovators or individuals trained in accordance with R307-841-8(2)(b), the cleaning verification requirements of R307-841-5(2), which must be performed by certified renovators, and the recordkeeping requirements of R307-841-6(2)(e) and (f).

#### **R307-841-4. Information Distribution Requirements.**

(1) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must:

(a) Provide the owner of the unit with the pamphlet, and comply with one of the following:

(i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

(ii) Obtain a certificate of mailing at least 7 days prior to the renovation; and

(b) If the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

(i) Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet, or certify in writing that a pamphlet has been delivered to the dwelling and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the firm performing the renovation, and the date of signature; or

(ii) Obtain a certificate of mailing at least 7 days prior to the renovation.

(2) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovation must:

(a) Provide the owner with the pamphlet, and comply with one of the following:

(i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

(ii) Obtain a certificate of mailing at least 7 days prior to the renovation;

(b) Comply with one of the following:

(i) Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities, the expected starting and ending dates, and a statement of how the occupant can obtain the pamphlet and a copy of the records required by R307-841-6(3) and (4) at no cost to the occupants; or

(ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by R307-841-6(3) and (4) or obtain a copy from the renovation firm at no cost to the occupants;

(c) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet; and

(d) If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.

(3) Renovations in child-occupied facilities. No more than 60 days before beginning renovation activities in any child-occupied facility, the firm performing the renovation must:

(a)(i) Provide the owner of the building with the pamphlet, and comply with one of the following:

(A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

(B) Obtain a certificate of mailing at least 7 days prior to the renovation;

(ii) If the adult representative of the child-occupied facility is not the owner of the building, provide an adult representative of the child-occupied facility with the pamphlet, and comply with one of the following:

(A) Obtain, from the adult representative, a written acknowledgment that the adult representative has received the pamphlet, or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses to sign), the signature of a representative of the firm performing the renovation, and the date

of signature; or

(B) Obtain a certificate of mailing at least 7 days prior to the renovation;

(b) Provide the parents and guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date and information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by R307-841-6(3) and (4) or obtain a copy from the renovation firm at no cost to the parents or guardians by complying with one of the following:

(i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or

(ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by R307-841-6(3) and (4) or obtain a copy from the renovation firm at no cost to the parents or guardians.

(c) The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(4) Written acknowledgment. The written acknowledgments required by paragraphs (1)(a)(i), (1)(b)(i), (2)(a)(i), (3)(a)(i)(A), and (3)(a)(ii)(A) of this section must:

(a) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature;

(b) Be either a separate sheet or part of any written contract or service agreement for the renovation; and

(c) Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

#### **R307-841-5. Work Practice Standards.**

(1) Standards for renovation activities. Renovations must be performed by firms certified under R307-841-7 using renovators certified under R307-841-8. The responsibilities of certified firms are set forth in R307-841-7(4) and the responsibilities of certified renovators are set forth in R307-841-8(2).

(a) Occupant protection. Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation, must remain in place, and must be readable until the renovation and the post-renovation cleaning verification have been completed. If warning signs have been posted in accordance with 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are not required by this section.

(b) Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

(i) Interior renovations. The firm must:

(A) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;

(B) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;

(C) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;

(D) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling, and walls; and

(E) Use precautions to ensure that all personnel, tools, and other items, including the exterior of containers of waste, are free of dust and debris before leaving the work area.

(ii) Exterior renovations. The firm must:

(A) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation;

(B) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;

(C) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents

10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system; and

(D) If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

(c) Prohibited and restricted practices. The work practices listed below are prohibited or restricted during a renovation as follows:

(i) Open-flame burning or torching of painted surfaces is prohibited;

(ii) The use of machines designed to remove paint or other surface coatings through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation. Machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system; and

(iii) Operating a heat gun on painted surfaces is permitted only at temperatures below 1,100 degrees Fahrenheit.

(d) Waste from renovations.

(i) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

(ii) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

(iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

(e) Cleaning the work area. After the renovation has been completed, the firm must clean the work area until no dust, debris, or residue remains.

(i) Interior and exterior renovations. The firm must:

(A) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag; and

(B) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.

(ii) Additional cleaning for interior renovations. The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:

(A) Walls. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth;

(B) Remaining surfaces. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs; and

(C) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

(2) Standards for post-renovation cleaning verification.

(a) Interiors.

(i) A certified renovator must perform a visual inspection to determine whether dust, debris, or residue is still present. If dust, debris, or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.

(ii) After a successful visual inspection, a certified renovator must:

(A) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.

(I) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

(II) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in paragraphs (1)(e)(ii)(B) and (1)(e)(ii)(C) of this section, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.

(III) If the cloth does not match and is darker than the cleaning verification card, wait for 1 hour or until the surface has dried completely, whichever is longer.

(IV) After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

(B) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.

(I) If the cloth used to wipe a particular surface section does not match the cleaning verification card, re-clean that section of the surface as directed in paragraphs (1)(e)(ii)(B) and (1)(e)(ii)(C) of this section, then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches the cleaning verification card, that section of the surface has been adequately cleaned.

(II) If the cloth used to wipe a particular surface section does not match the cleaning verification card after the surface has been re-cleaned, wait for 1 hour or until the entire surface within the work area has dried completely, whichever is longer.

(III) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

(iii) When the work area passes the post-renovation cleaning verification, remove the warning signs.

(b) Exteriors. A certified renovator must perform a visual inspection to determine whether dust, debris, or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris, or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.

(3) Optional dust clearance testing. Cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another federal, state, territorial, tribal, or local law or regulation requires:

(a) The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this rule.

(b) The dust clearance samples are required to be collected by a certified inspector, risk assessor, or dust sampling technician.

(c) The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in R307-842-3(5)(h) or any local standard.

(4) Activities conducted after post-renovation cleaning verification. Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by this rule if they are conducted after post-renovation cleaning verification has been performed.

#### **R307-841-6. Recordkeeping and Reporting Requirements.**

(1) Firms performing renovations must retain and, if requested, make available to the director all records necessary to demonstrate compliance with this rule for a period of 3 years following completion of the renovation. This 3-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation.

(2) Records that must be retained pursuant to paragraph (1) of this section shall include (where applicable):

(a) Records or reports certifying that a determination had been made that lead-based paint is not present on the components affected by the renovation, as described in R307-841-3(1). These records or reports include:

(i) Reports prepared by a certified inspector or certified risk assessor certified pursuant to R307-842-2.

(ii) Records prepared by a certified renovator after using EPA-recognized test kits, including an identification of the manufacturer and model of any test kits used, a description of the components that were tested including their locations, and the result of each test kit used.

(iii) Records prepared by a certified renovator after collecting paint chip samples, including a description of the components that were tested including their locations, the name and address of the NLLAP-recognized entity performing the analysis, and the results for each sample.

(b) Signed and dated acknowledgments of receipt as described in R307-841-4(1)(a)(i), (1)(b)(i), (2)(a)(i), (3)(a)(i)(A), and (3)(a)(ii)(A).

(c) Certifications of attempted delivery as described in R307-841-4(1)(b)(i) and (3)(a)(ii)(A).

(d) Certificates of mailing as described in R307-841-4(1)(a)(ii), (1)(b)(ii), (2)(a)(ii), (3)(a)(i)(B), and (3)(a)(ii)(B).

(e) Records of notification activities performed regarding common area renovations, as described in R307-841-4(2)(c) and (2)(d), and renovations in child-occupied facilities, as described in R307-841-4(3)(b).

(f) Documentation of compliance with the requirements of R307-841-5, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project in a language that the workers can comprehend, that the certified renovator performed or directed workers who performed all of the tasks described in R307-841-5(1), and that the certified renovator performed the post-renovation cleaning verification described in R307-841-5(2). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in R307-841-3, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's current Utah Lead-Based Paint Renovator certification card, and a certification by the certified renovator assigned to the project that:

(i) Training was provided to workers (topics must be identified for each worker).

(ii) Warning signs were posted at the entrances to the work area.

(iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.

(iv) If paint chip samples were collected, that the samples were collected at the specified locations, that the specified NLLAP-recognized laboratory analyzed the samples, and that the results were as specified.

(v) The work area was contained by:

(A) Removing or covering all objects in the work area (interiors);

(B) Closing and covering all HVAC ducts in the work area (interiors);

(C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors);

(D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work

area (exteriors);

(E) Covering doors in the work area that were being used to allow passage but prevent spread of dust;

(F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors); and

(G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).

(vi) Waste was contained on-site and while being transported off-site.

(vii) The work area was properly cleaned after the renovation by:

(A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal; and

(B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).

(viii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

(3)(a) When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this rule to the following persons:

(i) The owner of the building; and, if different,

(ii) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(b) When performing renovations in common areas of multi-unit target housing, renovation firms must post the information required by this rule or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.

(c) The information required to be provided by paragraph (3) of this section may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the test kit information required by R307-841-6(2)(a)(ii) and the training and work practice compliance information required by R307-841-6(2)(f).

(4) If dust clearance sampling is performed in lieu of cleaning verification as permitted by R307-841-5(3), the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, a copy of the dust sampling report to:

(a) The owner of the building; and, if different,

(b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(c) When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how interested occupants of the housing being renovated can obtain a copy of the report. This information must be posted in areas where they are likely to be seen by the occupants of all of the affected units.

### **R307-841-7. Firm Certification.**

(1) Initial certification.

(a) Firms that perform renovations for compensation must apply to the director for certification to perform renovations or dust sampling. To apply, a firm must submit to the director a completed "Lead-Based Paint Certification Application for Firms," signed by an authorized agent of the firm, and pay the correct amount of fees.

(b) After the director receives a firm's application, the director will take one of the following actions within 90 days of the date the application is received:

(i) The director will approve a firm's application if the director determines that it is complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. An application is complete if it contains all of the information requested on the form and includes at least the correct amount of fees. When the director approves a firm's application, the director will issue the firm a certificate with an expiration date not more than 5 years from the date the application is approved;

(ii) The director will request a firm to supplement its application if the director determines that the application is incomplete. If the director requests a firm to supplement its application, the firm must submit the requested information or pay the additional fees within 30 days of the date of the request; and

(iii) The director will not approve a firm's application if the firm does not supplement its application in accordance with paragraph (1)(b)(ii) of this section or if the director determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The director will send the firm a letter giving the reason for not approving the application. The director will not refund the application fees. A firm may reapply for certification at any time by filing a new, complete application that includes the correct amount of fees.

(2) Re-certification. To maintain its certification, a firm must be re-certified by the director.

(a) Timely and complete application. To be re-certified, a firm must submit a complete application for re-certification. A complete application for re-certification includes a completed "Lead-Based Paint Certification Application for Firms" which contains all of the information requested by the form and is signed by an authorized agent of the firm, noting on the form that it is submitted as a re-certification. A complete application must also include the correct amount of fees.

(i) An application for re-certification is timely if it is postmarked 90 days or more before the date the firm's current certification expires. If the firm's application is complete and timely, the firm's current certification will remain in effect until its expiration date or until the director has made a final decision to approve or disapprove the re-certification application, whichever is later.

(ii) If the firm submits a complete re-certification application less than 90 days before its current certification expires, and the director does not approve the application before the expiration date, the firm's current certification will expire and the firm will not be able to conduct renovations until the director approves its re-certification application.

(iii) If the firm fails to obtain re-certification before the firm's current certification expires, the firm must not perform renovations or dust sampling until it is certified anew pursuant to paragraph (1), of this section.

(b) Director's action on an application. After the director receives a firm's application for re-certification, the director will review the application and take one of the following actions within 90 days of receipt:

(i) The director will approve a firm's application if the director determines that it is timely and complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. When the director approves a firm's application for re-certification, the director will issue the firm a new certificate with an expiration date not more than 5 years from the date that the firm's current certification expires.

(ii) The director will request a firm to supplement its application if the director determines that the application is incomplete.

(iii) The director will not approve a firm's application if it is not received or is not complete as of the date that the firm's current certification expires, or if the director determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The director will send the firm a letter giving the reason for not approving the application. The director will not refund the application fees. A firm may reapply for certification at any time by filing a new application and paying the correct amount of fees.

(3) Amendment of certification. A firm must amend its certification within 90 days of the date a change occurs to information included in the firm's most recent application. If the firm fails to amend its certification within 90 days of the date the change occurs, the firm may not perform renovations or dust sampling until its certification is amended.

(a) To amend a certification, a firm must submit a completed "Lead-Based Paint Certification Application for Firms," signed by an authorized agent of the firm, noting on the form that it is submitted as an amendment and indicating the information that has changed. The firm must also pay at least the correct amount of fees.

(b) If additional information is needed to process the amendment, or the firm did not pay the correct amount of fees, the director will request the firm to submit the necessary information or fees. The firm's certification is not amended until the firm complies with the request.

(c) Amending a certification does not affect the certification expiration date.

(4) Firm responsibilities. Firms performing renovations must ensure that:

(a) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with R307-841-8;

(b) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in R307-841-8;

(c) All renovations performed by the firm are performed in accordance with the work practice standards in R307-841-5;

(d) The pre-renovation education requirements of R307-841-4 have been performed; and

(e) The recordkeeping requirements of R307-841-6 are met.

### **R307-841-8. Renovator Certification and Dust Sampling Technician Certification.**

(1) Renovator certification and dust sampling technician certification.

(a) To become a certified renovator or certified dust sampling technician, an individual must successfully complete an initial lead-based paint renovator or dust-sampling technician course accredited by the director under R307-842-1, the EPA under 40 CFR 745.225, or a state or tribal program that has been authorized by EPA pursuant to subpart Q of 40 CFR 745.

(b) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who successfully completed a director, EPA, HUD, or EPA/HUD model renovation training course before October 4, 2011, but no later than the training course expiration date found on that training certificate, may take an accredited refresher renovator training course that includes hands-on training in lieu of the initial renovator training course to become a certified renovator.

(c) Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course before October 4, 2011, but no later than the training course expiration date found on that training certificate, may take an accredited refresher dust sampling technician course in lieu of the initial training to become a certified dust sampling technician. Individuals who are currently certified as lead-based paint inspectors or risk assessors may act as certified dust sampling technicians without further training.

(d) To maintain renovator certification or dust sampling technician certification, an individual must complete a renovator or dust sampling technician refresher course accredited by the director under R307-842-1, the EPA under 40 CFR 745.225, or by a state or tribal program that is authorized under subpart Q of 40 CFR 745 within 5 years of the date the individual completed the initial course described in paragraph (1)(a) of this section. If the individual does not complete a refresher course within this time, the individual must re-take the initial course to become certified again. Individuals who complete a renovator course accredited by the director under R307-842-1, the EPA or an EPA authorized program on or before March 31, 2010, must complete a renovator refresher course accredited by the director under R307-842-1, the EPA or an EPA authorized program on or before March 31, 2016, to maintain renovator certification. Individuals who completed a renovator course accredited by the director under R307-842-1, the EPA or an EPA authorized program between April 1,

2010 and March 31, 2011, will have one year added to their original 5-year training certificate expiration date. Individuals who take a renovator refresher course that does not include hands-on training will have a training course certificate expiration date 3 years from the date they complete the training. Individuals who take a refresher training course that includes hands-on training will have a training course certificate expiration date 5 years from the date they complete the training. Individuals who take the renovator refresher course without hands-on training must, for their next renovator refresher course, take a course that includes hands-on training.

(e) An individual shall be re-certified as a renovator or a dust sampling technician if the individual successfully completes the appropriate lead-based paint accredited refresher training course and submits a valid copy of the appropriate refresher course completion certificate. During the time period when the individual is not certified by the director, that individual cannot perform any regulated work activities that requires individual certification.

(2) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with R307-841-5 at all renovations to which they are assigned. A certified renovator:

(a) Must perform all of the tasks described in R307-841-5(2) and must either perform or direct workers who perform all of the tasks described in R307-841-5(1);

(b) Must provide training to workers on the work practices required by R307-841-5(1) that they will be using in performing their assigned tasks;

(c) Must be physically present at the work site when the signs required by R307-841-5(1)(a) are posted, while the work area containment required by R307-841-5(1)(b) is being established, and while the work area cleaning required by R307-841-5(1)(e) is performed;

(d) Must regularly direct work being performed by other individuals to ensure that the work practices required by R307-841-5(1) are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area;

(e) Must be available, either on-site or by telephone, at all times that renovations are being conducted;

(f) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint;

(g) Must have with them at the work site their current Utah Lead-Based Paint Renovator certification card; and

(h) Must prepare the records required by R307-841-6(2)(a)(ii), (iii), and (f).

(3) Dust sampling technician responsibilities. When performing optional dust clearance sampling under R307-841-5(3), a certified dust sampling technician:

(a) Must collect dust samples in accordance with R307-842-3(5)(h), must send the collected samples to a laboratory recognized by EPA under TSCA Section 405(b), and must compare the results to the clearance levels in accordance with R307-842-3(5)(h); and

(b) Must have with them at the work site their current Utah Lead-Based Paint Dust Sampling Technician certification card.

### **R307-841-9. Suspending, Revoking, or Modifying an Individual's or Firm's Certification.**

(1) Grounds for suspending, revoking, or modifying an individual's certification. The director may suspend, revoke, or modify an individual's certification if the individual fails to comply with state lead-based paint administrative rules. The director may also suspend, revoke, or modify a certified renovator's certification if the renovator fails to ensure that all assigned renovations comply with R307-841-5. In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations.

(2) Grounds for suspending, revoking, or modifying a firm's certification. The director may suspend, revoke, or modify a firm's certification if the firm:

(a) Submits false or misleading information to the director in its application for certification or re-certification,

(b) Fails to maintain or falsifies records required in R307-841-6, or

(c) Fails to comply, or an individual performing a renovation on behalf of the firm fails to comply, with state lead-based paint administrative rules. In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations.

**KEY: paint, lead-based paint, lead-based paint renovation**

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1 **R307. Environmental Quality, Air Quality.**

2 **R307-842. Lead-Based Paint Activities.**

3 **R307-842-1. Accreditation of Training Programs: Target Housing and**  
4 **Child-Occupied Facilities.**

5 (1) Scope.

6 (a) A training program may seek accreditation to offer courses  
7 in any of the following disciplines: inspector, risk assessor,  
8 supervisor, project designer, abatement worker, renovator, and dust  
9 sampling technician. A training program may also seek accreditation  
10 to offer refresher courses for each of the above listed disciplines.  
11 Training courses taught in Utah must be accredited by the director.  
12 All e-learning renovator refresher courses originating from companies  
13 based in Utah must also be accredited by the director.

14 (b) Training programs may apply to the director for  
15 accreditation of their lead-based paint activities courses or  
16 refresher courses pursuant to this section. Training programs may  
17 apply to the director for accreditation of their renovator or dust  
18 sampling technician courses or refresher courses pursuant to this  
19 section.

20 (c) Initial and refresher courses shall be specific to each  
21 discipline and shall be conducted as separate and distinct courses and  
22 not combined with any other training during the period of the course.

23 ([e]d) A training program must not provide, offer, or claim to  
24 provide director-accredited lead-based paint activities courses  
25 without applying for and receiving accreditation from the director as  
26 required under paragraph (2) of this section. A training program must  
27 not provide, offer, or claim to provide director-accredited renovator  
28 or dust sampling technician courses without applying for and receiving  
29 accreditation from the director as required under paragraph (2) of this  
30 section.

31 ([e]e) Accredited training programs, training program managers,  
32 and principal instructors must comply with all of the requirements of  
33 this section including approved terms of the application and all the  
34 requirements and limitations specified in any accreditation documents  
35 issued to training programs.

36 (2) Application process. The following are procedures a  
37 training program must follow to receive director accreditation to  
38 offer lead-based paint activities courses, renovator courses, or dust  
39 sampling technician courses:

40 (a) A training program seeking accreditation shall submit a  
41 written application to the director containing the following  
42 information:

43 (i) The training program's name, address, and telephone number;

44 (ii) A list of courses for which it is applying for  
45 accreditation. For the purposes of this section, courses taught in

1 different languages and electronic learning courses are considered  
2 different courses, and each must independently meet the accreditation  
3 requirements;

4 (iii) The name and documentation of the qualifications of the  
5 training program manager;

6 (iv) The name(s) and documentation of qualifications of any  
7 principal instructor(s); and

8 (v) A statement signed by the training program manager  
9 certifying that the training program meets the requirements  
10 established in paragraph (3) of this section. If a training program  
11 uses EPA-recommended model training materials, the training program  
12 manager shall include a statement certifying that, as well; or

13 (vi) If a training program does not use EPA-recommended model  
14 training materials, its application for accreditation shall also  
15 include:

16 (A) A copy of the student and instructor manuals, or other  
17 materials to be used for each course;

18 (B) A copy of the course agenda for each course; and

19 (C) When applying for accreditation of a course in a language  
20 other than English, a signed statement from a qualified, independent  
21 translator that they had compared the course to the English language  
22 version and found the translation to be accurate;

23 (vii) All training programs shall include in their application  
24 for accreditation the following:

25 (A) A description of the facilities and equipment to be used for  
26 lecture and hands-on training;

27 (B) A copy of the course test blueprint for each course;

28 (C) A description of the activities and procedures that will be  
29 used for conducting the assessment of hands-on skills for each course;  
30 and

31 (D) A copy of the quality control plan as described in paragraph  
32 (3)(i) of this section.

33 (b) If a training program meets the requirements in paragraph  
34 (3) of this section, then the director shall approve the application  
35 for accreditation no more than 180 days after receiving a complete  
36 application from the training program. In the case of approval, a  
37 certificate of accreditation shall be sent to the applicant. In the  
38 case of disapproval, a letter describing the reasons for disapproval  
39 shall be sent to the applicant. Prior to disapproval, the director  
40 may, at its discretion, work with the applicant to address inadequacies  
41 in the application for accreditation. The director may also request  
42 additional materials retained by the training program under paragraph  
43 (8) of this section. If a training program's application is  
44 disapproved, the program may reapply for accreditation at any time.

45 (c) A training program may apply for accreditation to offer

1 initial courses or refresher courses in as many disciplines as it  
2 chooses. A training program may seek accreditation for additional  
3 courses at any time as long as the program can demonstrate that it meets  
4 the requirements of this section.

5 (d) A training program applying for accreditation must submit  
6 the appropriate fees in accordance with the current Department of  
7 Environmental Quality Fee Schedule.

8 (3) Requirements for the accreditation of training programs. A  
9 training program accredited by the director to offer lead-based paint  
10 activities courses, renovator courses, or dust sampling technician  
11 courses must meet the following requirements:

12 (a) The training program shall employ a training manager who  
13 has:

14 (i) At least 2 years of experience, education, or training in  
15 teaching workers or adults; or

16 (ii) A bachelor's or graduate degree in building construction  
17 technology, engineering, industrial hygiene, safety, public health,  
18 education, business administration or program management or a related  
19 field; or

20 (iii) Two years of experience in managing a training program  
21 specializing in environmental hazards; and

22 (iv) Demonstrated experience, education, or training in the  
23 construction industry including: lead or asbestos abatement,  
24 painting, carpentry, renovation, remodeling, occupational safety and  
25 health, or industrial hygiene.

26 (b) The training manager shall designate a qualified principal  
27 instructor for each course who has:

28 (i) Demonstrated experience, education, or training in teaching  
29 workers or adults; and

30 (ii) Successfully completed at least 16 hours of any  
31 director-accredited, EPA-accredited, or EPA-authorized state or  
32 tribal-accredited lead-specific training for instructors of  
33 lead-based paint activities courses or 8 hours of any  
34 director-accredited, EPA-accredited or EPA-authorized state or  
35 tribal-accredited lead-specific training for instructors of renovator  
36 or dust sampling technician courses; and

37 (iii) Demonstrated experience, education, or training in lead  
38 or asbestos abatement, painting, carpentry, renovation, remodeling,  
39 occupational safety and health, or industrial hygiene.

40 (c) The principal instructor shall be responsible for the  
41 organization of the course, course delivery, and oversight of the  
42 teaching of all course material. The training manager may designate  
43 guest instructors as needed for a portion of the course to provide  
44 instruction specific to the lecture, hands-on activities, or work  
45 practice components of a course. However, the principal instructor

1 is primarily responsible for teaching the course materials and must  
2 be present to provide instruction (or oversight of portions of the  
3 course taught by guest instructors) for the course for which he or she  
4 has been designated the principal instructor.

5 (d) The following documents shall be recognized by the director  
6 as evidence that training managers and principal instructors have the  
7 education, work experience, training requirements or demonstrated  
8 experience, specifically listed in paragraphs (3)(a) and (3)(b) of  
9 this section. This documentation must be submitted with the  
10 accreditation application and retained by the training program as  
11 required by the recordkeeping requirements contained in paragraph (8)  
12 of this section. Those documents include the following:

13 (i) Official academic transcripts or diploma as evidence of  
14 meeting the education requirements;

15 (ii) Resumes, letters of reference, or documentation of work  
16 experience, as evidence of meeting the work experience requirements;  
17 and

18 (iii) Certificates from train-the-trainer courses and  
19 lead-specific training courses, as evidence of meeting the training  
20 requirements.

21 (e) The training program shall ensure the availability of, and  
22 provide adequate facilities for, the delivery of the lecture, course  
23 test, hands-on training, and assessment activities. This includes  
24 providing training equipment that reflects current work practices and  
25 maintaining or updating the equipment and facilities as needed.

26 (f) To become accredited in the following disciplines, the  
27 training program shall provide initial training courses that meet the  
28 following training requirements:

29 (i) The initial inspector course shall last a minimum of 24  
30 training hours, with a minimum of 8 hours devoted to hands-on training  
31 activities. The minimum curriculum requirements for the initial  
32 inspector course are contained in paragraph (4)(a) of this section;

33 (ii) The initial risk assessor course shall last a minimum of  
34 16 training hours, with a minimum of 4 hours devoted to hands-on  
35 training activities. The minimum curriculum requirements for the  
36 initial risk assessor course are contained in paragraph (4)(b) of this  
37 section;

38 (iii) The initial supervisor course shall last a minimum of 32  
39 training hours, with a minimum of 8 hours devoted to hands-on training  
40 activities. The minimum curriculum requirements for the initial  
41 supervisor course are contained in paragraph (4)(c) of this section;

42 (iv) The initial project designer course shall last a minimum  
43 of 8 training hours. The minimum curriculum requirements for the  
44 initial project designer course are contained in paragraph (4)(d) of  
45 this section;

1 (v) The initial abatement worker course shall last a minimum of  
2 16 training hours, with a minimum of 8 hours devoted to hands-on  
3 training activities. The minimum curriculum requirements for the  
4 initial abatement worker course are contained in paragraph (4)(e) of  
5 this section;

6 (vi) The initial renovator course must last a minimum of 8  
7 training hours, with a minimum of 2 hours devoted to hands-on training  
8 activities. The minimum curriculum requirements for the initial  
9 renovator course are contained in paragraph (4)(f) of this section;  
10 and

11 (vii) The initial dust sampling technician course must last a  
12 minimum of 8 training hours, with a minimum of 2 hours devoted to  
13 hands-on training activities. The minimum curriculum requirements  
14 for the initial dust sampling technician course are contained in  
15 paragraph (4)(g) of this section.

16 (viii) Electronic learning and other alternative course  
17 delivery methods are permitted for the classroom portion of renovator,  
18 dust sampling technician, or lead-based paint activities courses but  
19 not the hands-on portion of these courses, or for final course tests  
20 or proficiency tests described in paragraph (3)(g) of this section.  
21 Electronic learning courses must comply with the following  
22 requirements:

23 (A) A unique identifier must be assigned to each student for them  
24 to use to launch and re-launch the course;

25 (B) The training provider must track each student's course  
26 log-ins, launches, progress, and completion, and maintain these  
27 records in accordance with paragraph (8) of this section;

28 (C) The course must include periodic knowledge checks  
29 equivalent to the number and content of the knowledge checks contained  
30 in EPA's model course, but at least 16 over the entire course. The  
31 knowledge checks must be successfully completed before the student can  
32 go on to the next module;

33 (D) There must be a test of at least 20 questions at the end of  
34 the electronic learning portion of the course, of which 80% must be  
35 answered correctly by the student for successful completion of the  
36 electronic learning portion of the course. The test must be designed  
37 so that students do not receive feedback on their test answers until  
38 after they have completed and submitted the test; and

39 (E) Each student must be able to save or print a copy of an  
40 electronic learning course completion certificate. The electronic  
41 certificate must not be susceptible to easy editing.

42 (g) For each course offered, the training program shall conduct  
43 either a course test at the completion of the course, and if applicable,  
44 a hands-on skills assessment, or in the alternative, a proficiency test  
45 for that discipline. Each student must successfully complete the

1 hands-on skills assessment and receive a passing score on the course  
2 test to pass any course, or successfully complete a proficiency test.

3 (i) The training manager is responsible for maintaining the  
4 validity and integrity of the hands-on skills assessment or  
5 proficiency test to ensure that it accurately evaluates the trainees'  
6 performance of the work practices and procedures associated with the  
7 course topics contained in paragraph (4) of this section;

8 (ii) The training manager is responsible for maintaining the  
9 validity and integrity of the course test to ensure that it accurately  
10 evaluates the trainees' knowledge and retention of the course topics;  
11 and

12 (iii) The course test shall be developed in accordance with the  
13 test blueprint submitted with the training accreditation application.

14 (h) The training program shall issue unique course completion  
15 certificates to each individual who passes the training course. The  
16 course completion certificate shall include:

17 (i) The name, a unique identification number, and address of the  
18 individual;

19 (ii) The name of the particular course that the individual  
20 completed;

21 (iii) Dates of course completion/test passage;

22 (iv) For initial inspector, risk assessor, project designer,  
23 supervisor, or abatement worker course completion certificates, the  
24 expiration date of interim certification, which is 6 months from the  
25 date of course completion;

26 (v) The name, address, and telephone number of the training  
27 program;

28 (vi) The language in which the course was taught;

29 (vii) For renovator and dust sampling technician course  
30 completion certificates, a photograph of the individual. The  
31 photograph must be an accurate and recognizable image of the  
32 individual. As reproduced on the certificate, the photograph must not  
33 be smaller than 1 square inch; and

34 (viii) For renovator, dust sampling technician, or lead-based  
35 paint activities course completion certificates, the expiration date  
36 of the training certificate.

37 (i) The training manager shall develop and implement a quality  
38 control plan. The plan shall be used to maintain and improve the  
39 quality of the training program over time. This plan shall contain  
40 at least the following elements:

41 (i) Procedures for periodic revision of training materials and  
42 the course test to reflect innovations in the field; and

43 (ii) Procedures for the training manager's annual review of  
44 principal instructor competency.

45 (j) Courses offered by the training program must teach the work

1 practice standards contained in R307-841-5 or R307-842-3, as  
2 applicable, in such a manner that trainees are provided with the  
3 knowledge needed to perform the renovations or lead-based paint  
4 activities they will be responsible for conducting.

5 (k) The training manager shall be responsible for ensuring that  
6 the training program complies at all times with all of the requirements  
7 in this section.

8 (l) The training manager shall allow the director or the  
9 director's authorized representative to audit the training program to  
10 verify the contents of the application for accreditation as described  
11 in paragraph (2) of this section.

12 (m) The training manager must provide notification of  
13 renovator, dust sampling technician, or lead-based paint activities  
14 courses offered.

15 (i) The training manager must provide the director with  
16 notification of all renovator, dust sampling technician, or lead-based  
17 paint activities courses offered except for any renovator course  
18 without hands-on training delivered via electronic learning. The  
19 original notification must be received by the director at least 7  
20 business days prior to the start date of any renovator, dust sampling  
21 technician, or lead-based paint activities course;

22 (ii) The training manager must provide the director updated  
23 notification when renovator, dust sampling technician, or lead-based  
24 paint activities courses will begin on a date other than the start date  
25 specified in the original notification, as follows:

26 (A) For renovator, dust sampling technician, or lead-based  
27 paint activities courses beginning prior to the start date provided  
28 to the director, an updated notification must be received by the  
29 director at least 7 business days before the new start date; and

30 (B) For renovator, dust sampling technician, or lead-based  
31 paint activities courses beginning after the start date provided to  
32 the director, an updated notification must be received by the director  
33 at least 2 business days before the start date provided to the director;

34 (iii) The training manager must update the director of any  
35 change in location of renovator, dust sampling technician, or  
36 lead-based paint activities courses at least 7 business days prior to  
37 the start date provided to the director;

38 (iv) The training manager must update the director regarding any  
39 course cancellations, or any other change to the original  
40 notification. Updated notifications must be received by the director  
41 at least 2 business days prior to the start date provided to the  
42 director;

43 (v) Each notification, including updates, must include the  
44 following:

45 (A) Notification type (original, update, or cancellation);

1 (B) Training program name, address, and telephone number;

2 (C) Course discipline, type (initial/refresher), and the  
3 language in which instruction will be given;

4 (D) Date(s) and time(s) of training;

5 (E) Training location(s) telephone number, and address;

6 (F) Principal instructor's name; and

7 (G) Training manager's name and signature;

8 (vi) Notification must be accomplished using any of the  
9 following methods: Written notification, or electronically using the  
10 Utah Division of Air Quality electronic notification system. Written  
11 notification of renovator, dust sampling technician, or lead-based  
12 paint activities course schedules can be accomplished by using either  
13 the sample form titled "Renovator, Dust Sampling Technician, or  
14 Lead-Based Paint Activities Training Course Notification Form" or a  
15 similar form containing the information required in paragraph  
16 (3)(m)(v) of this section. All written notifications must be  
17 delivered to the director by United States Postal Service, fax,  
18 commercial delivery service, hand delivery, or by email.

19 Instructions and sample forms can be obtained from the Utah Division  
20 of Air Quality Lead-Based Paint Program web site;

21 (vii) Renovator, dust sampling technician, or lead-based paint  
22 activities courses must not begin on a date, or at a location other  
23 than that specified in the original notification unless an updated  
24 notification identifying a new start date or location is submitted,  
25 in which case the course must begin on the new start date and/or  
26 location specified in the updated notification; and

27 (viii) No training program shall provide renovator, dust  
28 sampling technician, or lead-based paint activities courses without  
29 first notifying the director of such activities in accordance with the  
30 requirements of this paragraph.

31 (n) The training manager must provide notification following  
32 completion of renovator, dust sampling technician, or lead-based paint  
33 activities courses.

34 (i) The training manager must provide the director notification  
35 after the completion of any renovator, dust sampling technician, or  
36 lead-based paint activities course. This notification must be  
37 received by the director no later than 10 business days following  
38 course completion. Notifications for any e-learning renovator  
39 refresher course that does not include hands-on training must be  
40 submitted via written notification or electronically using the Utah  
41 Division of Air Quality electronic notification system no later than  
42 the 10<sup>th</sup> day of the month and include all students trained in the  
43 previous month. Written notification for any e-learning renovator  
44 refresher course, can be accomplished by using either the sample form  
45 titled "Renovator, Dust Sampling Technician, or Lead-Based Paint

1 Activities Training Course Notification Form" or a similar form  
2 containing the information required in paragraph (3)(n)(ii) of this  
3 section. All written notifications must be delivered to the director  
4 by United States Postal Service, fax, commercial delivery service,  
5 hand delivery, or by email. Instructions and sample forms can be  
6 obtained from the Utah Division of Air Quality Lead-Based Paint Program  
7 web site;

8 (ii) The notification must include the following:

9 (A) Training program name, address, and telephone number;

10 (B) Course discipline and type (initial/refresher);

11 (C) Date(s) of training;

12 (D) The following information for each student who took the  
13 course:

14 (I) Name,

15 (II) Address,

16 (III) Date of birth,

17 (IV) Course completion certificate number,

18 (V) Course test score,

19 (VI) For renovator or dust sampling technician courses, a  
20 digital photograph of the student, and

21 (VII) For renovator refresher courses, the expiration date of  
22 the training certificate;

23 (E) Training manager's name and signature; and

24 (F) Utah Division of Air Quality Lead-Based Paint Program  
25 training verification statement.

26 (iii) Notification must be accomplished using any of the  
27 following methods: Written notification, or electronically using the  
28 Utah Division of Air Quality electronic notification system. Written  
29 notification following renovator, dust sampling technician, or  
30 lead-based paint activities training courses can be accomplished by  
31 using either the sample form titled "Renovator, Dust Sampling  
32 Technician, or Lead-Based Paint Activities Training Course  
33 Notification Form" or a similar form containing the information  
34 required in paragraph (3)(n)(ii) of this section. All written  
35 notifications must be delivered to the director by United States Postal  
36 Service, fax, commercial delivery service, hand delivery, or by email.  
37 Instructions and sample forms can be obtained from the Utah Division  
38 of Air Quality Lead-Based Paint Program web site.

39 (4) Minimum training curriculum requirements. A training  
40 program accredited by the director to offer lead-based paint courses  
41 in the specific disciplines listed in paragraph (4) must ensure that  
42 its courses of study include, at a minimum, the following course  
43 topics.

44 (a) Inspector. Instruction in the topics described in  
45 paragraphs (4)(a)(iv), (v), (vi), and (vii) of this section must be

1 included in the hands-on portion of the course.

2 (i) Role and responsibilities of an inspector;

3 (ii) Background information on lead and its adverse health  
4 effects;

5 (iii) Background information on federal, state, and local  
6 regulations and guidance that pertains to lead-based paint and  
7 lead-based paint activities;

8 (iv) Lead-based paint inspection methods, including selection  
9 of rooms and components for sampling or testing;

10 (v) Paint, dust, and soil sampling methodologies;

11 (vi) Clearance standards and testing, including random  
12 sampling;

13 (vii) Preparation of the final inspection report; and

14 (viii) Recordkeeping.

15 (b) Risk assessor. Instruction in the topics described in  
16 paragraphs (4)(b)(iv), (vi), and (vii) of this section must be included  
17 in the hands-on portion of the course.

18 (i) Role and responsibilities of a risk assessor;

19 (ii) Collection of background information to perform a risk  
20 assessment;

21 (iii) Sources of environmental lead contamination such as  
22 paint, surface dust and soil, water, air, packaging, and food;

23 (iv) Visual inspection for the purposes of identifying  
24 potential sources of lead-based paint hazards;

25 (v) Lead hazard screen protocol;

26 (vi) Sampling for other sources of lead exposure;

27 (vii) Interpretation of lead-based paint and other lead  
28 sampling results, including all applicable federal or state guidance  
29 or regulations pertaining to lead-based paint hazards;

30 (viii) Development of hazard control options, the role of  
31 interim controls, and operations and maintenance activities to reduce  
32 lead-based paint hazards; and

33 (ix) Preparation of a final risk assessment report.

34 (c) Supervisor. Instruction in the topics described in  
35 paragraphs (4)(c)(v), (vii), (viii), (ix), and (x) of this section must  
36 be included in the hands-on portion of the course.

37 (i) Role and responsibilities of a supervisor;

38 (ii) Background information on lead and its adverse health  
39 effects;

40 (iii) Background information on federal, state, and local  
41 regulations and guidance that pertain to lead-based paint abatement;

42 (iv) Liability and insurance issues relating to lead-based  
43 paint abatement;

44 (v) Risk assessment and inspection report interpretation;

45 (vi) Development and implementation of an occupant protection

1 plan and abatement report;

2 (vii) Lead-based paint hazard recognition and control;

3 (viii) Lead-based paint abatement and lead-based paint hazard  
4 reduction methods, including restricted practices;

5 (ix) Interior dust abatement/cleanup or lead-based paint hazard  
6 control and reduction methods;

7 (x) Soil and exterior dust abatement or lead-based paint hazard  
8 control and reduction methods;

9 (xi) Clearance standards and testing;

10 (xii) Cleanup and waste disposal; and

11 (xiii) Recordkeeping.

12 (d) Project designer.

13 (i) Role and responsibilities of a project designer;

14 (ii) Development and implementation of an occupant protection  
15 plan for large-scale abatement projects;

16 (iii) Lead-based paint abatement and lead-based paint hazard  
17 reduction methods, including restricted practices for large-scale  
18 abatement projects;

19 (iv) Interior dust abatement/cleanup or lead hazard control and  
20 reduction methods for large-scale abatement projects;

21 (v) Clearance standards and testing for large scale abatement  
22 projects; and

23 (vi) Integration of lead-based paint abatement methods with  
24 modernization and rehabilitation projects for large scale abatement  
25 projects.

26 (e) Abatement worker. Instruction in the topics described in  
27 paragraphs (4)(e)(iv), (v), (vi), and (vii) of this section must be  
28 included in the hands-on portion of the course.

29 (i) Role and responsibilities of an abatement worker;

30 (ii) Background information on lead and its adverse health  
31 effects;

32 (iii) Background information on federal, state, and local  
33 regulations and guidance that pertain to lead-based paint abatement;

34 (iv) Lead-based paint hazard recognition and control;

35 (v) Lead-based paint abatement and lead-based paint hazard  
36 reduction methods, including restricted practices;

37 (vi) Interior dust abatement methods/cleanup or lead-based  
38 paint hazard reduction; and

39 (vii) Soil and exterior dust abatement methods or lead-based  
40 paint hazard reduction.

41 (f) Renovator. Instruction in the topics described in  
42 paragraphs (4)(f)(iv), (vi), (vii), and (viii) of this section must  
43 be included in the hands-on portion of the course.

44 (i) Role and responsibility of a renovator;

45 (ii) Background information on lead and its adverse health

1 effects;

2 (iii) Background information on EPA, HUD, OSHA, and other  
3 federal, state, and local regulations and guidance that pertains to  
4 lead-based paint and renovation activities;

5 (iv) Procedures for using acceptable test kits to determine  
6 whether paint is lead-based paint;

7 (v) Procedures for collecting a paint chip sample and sending  
8 it to a laboratory recognized by EPA under section 405(b) of TSCA;

9 (vi) Renovation methods to minimize the creation of dust and  
10 lead-based paint hazards;

11 (vii) Interior and exterior containment and cleanup methods;

12 (viii) Methods to ensure that the renovation has been properly  
13 completed, including cleaning verification, and clearance testing;

14 (ix) Waste handling and disposal;

15 (x) Providing on-the-job training to other workers; and

16 (xi) Record preparation.

17 (g) Dust sampling technician. Instruction in the topics  
18 described in paragraphs (4)(g)(iv) and (vi) of this section must be  
19 included in the hands-on portion of the course.

20 (i) Role and responsibility of a dust sampling technician;

21 (ii) Background information on lead and its adverse health  
22 effects;

23 (iii) Background information on federal, state, and local  
24 regulations and guidance that pertains to lead-based paint and  
25 renovation activities;

26 (iv) Dust sampling methodologies;

27 (v) Clearance standards and testing; and

28 (vi) Report preparation.

29 (5) Requirements for the accreditation of refresher training  
30 programs. A training program may seek accreditation to offer  
31 refresher training courses in any of the following disciplines:  
32 Inspector, risk assessor, supervisor, project designer, abatement  
33 worker, renovator, and dust sampling technician. A training program  
34 accredited by the director to offer refresher training must meet the  
35 following minimum requirements:

36 (a) Each refresher course shall review the curriculum topics of  
37 the full-length courses listed under paragraph (4) of this section,  
38 as appropriate. In addition, to become accredited to offer refresher  
39 training courses, training programs shall ensure that their courses  
40 of study include, at a minimum, the following:

41 (i) An overview of current safety practices relating to  
42 lead-based paint in general, as well as specific information  
43 pertaining to the appropriate discipline;

44 (ii) Current laws and regulations relating to lead-based paint  
45 in general, as well as specific information pertaining to the

1 appropriate discipline; and

2 (iii) Current technologies relating to lead-based paint in  
3 general, as well as specific information pertaining to the appropriate  
4 discipline;

5 (b) Refresher courses for inspector, risk assessor, supervisor,  
6 and abatement worker must last a minimum of 8 training hours.

7 Refresher courses for project designer, renovator, and dust sampling  
8 technician must last a minimum of 4 training hours. Refresher courses  
9 for all disciplines except renovator and project designer must include  
10 a hands-on component. Renovators must take a refresher course that  
11 includes hands-on training at least every other re-certification;

12 (c) Except for e-learning renovator refresher courses and  
13 project designer courses, for all other courses offered, the training  
14 program shall conduct a hands-on assessment. With the exception of  
15 project designer courses, the training program shall conduct a course  
16 test at the completion of the course. Renovators must take a refresher  
17 course that includes hands-on training at least every other  
18 re-certification;

19 (d) A training program may apply for accreditation of a  
20 refresher course concurrently with its application for accreditation  
21 of the corresponding initial training course as described in paragraph  
22 (2) of this section. If so, the director shall use the approval  
23 procedure described in paragraph (2) of this section. In addition,  
24 the minimum requirements contained in paragraphs (3)(a) through  
25 (3)(e), (3)(f)(viii), and (3)(g) through (3)(n), and (5)(a) through  
26 (5)(c) of this section shall also apply; and

27 (e) A training program seeking accreditation to offer refresher  
28 training courses only shall submit a written application to the  
29 director containing the following information:

30 (i) The refresher training program's name, address, and  
31 telephone number;

32 (ii) A list of courses for which it is applying for  
33 accreditation;

34 (iii) The name and documentation of the qualifications of the  
35 training program manager;

36 (iv) The name(s) and documentation of the qualifications of the  
37 principal instructor(s);

38 (v) A statement signed by the training program manager  
39 certifying that the refresher training program meets the minimum  
40 requirements established in paragraph (3) of this section, except for  
41 the requirements in paragraph (3)(f) of this section. If a training  
42 program uses EPA-developed model training materials, the training  
43 manager shall include a statement certifying that, as well;

44 (vi) If the refresher training course materials are not based  
45 on EPA-developed model training materials, the training program's

1 application for accreditation shall include:

2 (A) A copy of the student and instructor manuals to be used for  
3 each course; and

4 (B) A copy of the course agenda for each course;

5 (vii) All refresher training programs shall include in their  
6 application for accreditation the following:

7 (A) A description of the facilities and equipment to be used for  
8 lecture and hands-on training;

9 (B) A copy of the course test blueprint for each course;

10 (C) A description of the activities and procedures that will be  
11 used for conducting the assessment of hands-on skills for each course  
12 (if applicable); and

13 (D) A copy of the quality control plan as described in paragraph  
14 (3)(i) of this section;

15 (viii) The requirements in paragraphs (3)(a) through (3)(e),  
16 (3)(f)(viii) and (3)(g) through (3)(n) of this section apply to  
17 refresher training providers; and

18 (ix) If a refresher training program meets the requirements  
19 listed in this paragraph, then the director shall approve the  
20 application for accreditation no more than 180 days after receiving  
21 a complete application from the refresher training program. In the case  
22 of approval, a certificate of accreditation shall be sent to the  
23 applicant. In the case of disapproval, a letter describing the  
24 reasons for disapproval shall be sent to the applicant. Prior to  
25 disapproval, the director may, at the director's discretion, work with  
26 the applicant to address inadequacies in the application for  
27 accreditation. The director may also request additional materials  
28 retained by the refresher training program under paragraph (8) of this  
29 section. If a refresher training program's application is disapproved,  
30 the program may reapply for accreditation at any time.

31 (6) Re-accreditation of training programs.

32 (a) Unless re-accredited, a training program's accreditation,  
33 including refresher training accreditation, shall expire 4 years after  
34 the date of issuance. If a training program meets the requirements  
35 of this section, the training program shall be re-accredited.

36 (b) A training program seeking re-accreditation shall submit an  
37 application to the director no later than 180 days before its  
38 accreditation expires. If a training program does not submit its  
39 application for re-accreditation by that date, the director cannot  
40 guarantee that the program will be re-accredited before the end of the  
41 accreditation period.

42 (c) The training program's application for re-accreditation  
43 shall contain:

44 (i) The training program's name, address, and telephone number;

45 (ii) A list of courses for which it is applying for

1 re-accreditation;

2 (iii) The name and qualifications of the training program  
3 manager;

4 (iv) The name(s) and qualifications of the principal  
5 instructor(s);

6 (v) A description of any changes to the training facility,  
7 equipment or course materials since its last application was approved  
8 that adversely affects the students' ability to learn;

9 (vi) A statement signed by the program manager stating:

10 (A) That the training program complies at all times with all  
11 requirements in paragraphs (3) and (5) of this section, as applicable;  
12 and

13 (B) The recordkeeping and reporting requirements of paragraph  
14 (8) of this section shall be followed; and

15 (vii) A payment of appropriate fees in accordance with the  
16 current Department of Environmental Quality Fee Schedule.

17 (d) Upon request, the training program shall allow the director  
18 or the director's authorized representative to audit the training  
19 program to verify the contents of the application for re-accreditation  
20 as described in paragraph (6)(c) of this section.

21 (7) Suspension, revocation, and modification of accredited  
22 training programs.

23 (a) The director may, after notice and an opportunity, for  
24 hearing, suspend, revoke, or modify training program accreditation,  
25 including refresher training accreditation, if a training program,  
26 training manager, or other person with supervisory authority over the  
27 training program has:

28 (i) Misrepresented the contents of a training course to the  
29 director and/or the student population;

30 (ii) Failed to submit required information or notifications in  
31 a timely manner;

32 (iii) Failed to maintain required records;

33 (iv) Falsified accreditation records, instructor  
34 qualifications, or other accreditation-related information or  
35 documentation;

36 (v) Failed to comply with the training standards and  
37 requirements in this section;

38 (vi) Failed to comply with federal, state, or local lead-based  
39 paint statutes or regulations; or

40 (vii) Made false or misleading statements to the director in its  
41 application for accreditation or re-accreditation which the director  
42 relied upon in approving the application.

43 (b) In addition to an administrative or judicial finding of  
44 violation, execution of a consent agreement in settlement of an  
45 enforcement action constitutes, for purposes of this section, evidence

1 of a failure to comply with relevant statutes or regulations.

2 (8) Training program recordkeeping requirements.

3 (a) Accredited training programs shall maintain, and make  
4 available to the director or the director's authorized representative,  
5 upon request, the following records:

6 (i) All documents specified in paragraph (3)(d) of this section  
7 that demonstrate the qualifications listed in paragraphs (3)(a) and  
8 (3)(b) of this section of the training manager and principal  
9 instructors;

10 (ii) Current curriculum/course materials and documents  
11 reflecting any changes made to these materials;

12 (iii) The course test blueprint;

13 (iv) Information regarding how the hands-on assessment is  
14 conducted including, but not limited to:

15 (A) Who conducts the assessment;

16 (B) How the skills are graded;

17 (C) What facilities are used; and

18 (D) The pass/fail rate;

19 (v) The quality control plan as described in paragraph (3)(i)  
20 of this section;

21 (vi) Results of the students' hands-on skills assessments and  
22 course tests, and a record of each student's course completion  
23 certificate;

24 (vii) Any other material not listed in paragraphs (8)(a)(i)  
25 through (8)(a)(vi) of this section that was submitted to the director  
26 as part of the program's application for accreditation.

27 (viii) For renovator refresher and dust sampling technician  
28 refresher courses, a copy of each trainee's prior course completion  
29 certificate showing that each trainee was eligible to take the  
30 refresher course; and

31 (ix) For course modules delivered in an electronic format, a  
32 record of each student's log-ins, launches, progress, and completion,  
33 and a copy of the electronic learning completion certificate for each  
34 student.

35 (b) The training program must retain records pertaining to  
36 renovator, dust sampling technician and lead-based paint activities  
37 courses at the address specified on the training program accreditation  
38 application (or as modified in accordance with paragraph (8)(c) of this  
39 section) for the following minimum periods:

40 (i) Records pertaining to lead-based paint activities courses  
41 must be retained for a minimum of 3 years and 6 months;

42 (ii) Records pertaining to renovator or dust sampling  
43 technician courses offered must be retained for a minimum of 5 years  
44 and 6 months.

45 (c) The training program shall notify the director in writing

1 within 30 days of changing the address specified on its training  
2 program accreditation application or transferring the records from  
3 that address.

4 (9) Amendment of accreditation.

5 (a) A training program must amend its accreditation within 90  
6 days of the date a change occurs to information included in the  
7 program's most recent application. If the training program fails to  
8 amend its accreditation within 90 days of the date the change occurs,  
9 the program may not provide renovator, dust sampling technician, or  
10 lead-based paint activities training until its accreditation is  
11 amended.

12 (b) To amend an accreditation, a training program must submit  
13 a completed Division of Air Quality Lead-Based Paint Application for  
14 Course Accreditation, signed by an authorized agent of the training  
15 provider, noting on the form that it is submitted as an amendment and  
16 indicating the information that has changed.

17 (c) Training managers, principal instructors, permanent  
18 training locations. If the amendment includes a new training program  
19 manager, any new or additional principal instructor(s), or any new  
20 permanent training location(s), the training provider is not permitted  
21 to provide training under the new training manager or offer courses  
22 taught by any new principal instructor(s) or at the new training  
23 location(s) until the director either approves the amendment or 30 days  
24 have elapsed, whichever occurs earlier. Except:

25 (i) If the amendment includes a new training program manager or  
26 new or additional principal instructor that was identified in a  
27 training provider accreditation application that the director has  
28 already approved under this section, the training provider may begin  
29 to provide training under the new training manager or offer courses  
30 taught by the new principal instructor on an interim basis as soon as  
31 the provider submits the amendment to the director. The training  
32 provider may continue to provide training under the new training  
33 manager or offer courses taught by the new principal instructor if the  
34 director approves the amendment or if the director does not disapprove  
35 the amendment within 30 days.

36 (ii) If the amendment includes a new permanent training  
37 location, the training provider may begin to provide training at the  
38 new permanent training location on an interim basis as soon as the  
39 provider submits the amendment to the director. The training provider  
40 may continue to provide training at the new permanent training location  
41 if the director approves the amendment or if the director does not  
42 disapprove the amendment within 30 days.

43  
44 **R307-842-2. Certification of Individuals and Firms Engaged in**  
45 **Lead-Based Paint Activities: Target Housing and Child-Occupied**

1 **Facilities.**

2 (1) Certification of individuals.

3 (a) Individuals seeking certification by the director to engage  
4 in lead-based paint activities must either:

5 (i) Submit to the director an application demonstrating that  
6 they meet the requirements established in paragraphs (2) or (3) of this  
7 section for the particular discipline for which certification is  
8 sought; or

9 (ii) Submit to the director an application with a copy of a valid  
10 lead-based paint activities certification (or equivalent) from the EPA  
11 or a state or tribal program that has been authorized by EPA pursuant  
12 to subpart Q of 40 CFR 745; or

13 (iii) For supervisor, inspector, and/or risk assessor  
14 certification, submit to the director an application with a copy of  
15 a valid lead-based paint training certificate from an EPA-accredited,  
16 or EPA-authorized state or tribal-accredited lead-specific training  
17 in the appropriate discipline and pass the certification exam in the  
18 appropriate discipline offered by the director.

19 (b) Following the submission of an application demonstrating  
20 that all the requirements of this section have been met, the director  
21 shall certify an applicant as an inspector, risk assessor, supervisor,  
22 project designer, or abatement worker, as appropriate.

23 (c) Upon receiving director certification, individuals  
24 conducting lead-based paint activities shall comply with the work  
25 practice standards for performing the appropriate lead-based paint  
26 activities as established in R307-842-3.

27 (d) It shall be a violation of state administrative rules for  
28 an individual to conduct any of the lead-based paint activities  
29 described in R307-842-3 if that individual has not been certified by  
30 the director pursuant to this section to do so.

31 (e) Individuals applying for certification must submit the  
32 appropriate fees in accordance with the current Department of  
33 Environmental Quality Fee Schedule.

34 (2) Inspector, risk assessor or supervisor.

35 (a) To become certified by the director as an inspector, risk  
36 assessor, or supervisor, pursuant to paragraph (1)(a)(i) of this  
37 section, an individual must:

38 (i) Successfully complete an accredited initial training course  
39 in the appropriate discipline and receive a course completion  
40 certificate from an accredited training program;

41 (ii) Pass the certification exam in the appropriate discipline  
42 offered by the director; and

43 (iii) Meet or exceed the following experience and/or education  
44 requirements:

45 (A) Inspectors. No additional experience and/or education

1 requirements;

2 (B) Risk assessors.

3 (I) Successful completion of an accredited initial training  
4 course for inspectors; and

5 (II) Bachelor's degree and 1 year of experience in a related  
6 field (e.g., lead, asbestos, environmental remediation work, or  
7 construction), or an Associates degree and 2 years experience in a  
8 related field (e.g., lead, asbestos, environmental remediation work,  
9 or construction); or

10 (III) Certification as an industrial hygienist, professional  
11 engineer, registered architect and/or certification in a related  
12 engineering/health/environmental field (e.g., safety professional,  
13 environmental scientist); or

14 (IV) A high school diploma (or equivalent), and at least 3 years  
15 of experience in a related field (e.g., lead, asbestos, environmental  
16 remediation work or construction);

17 (C) Supervisor.

18 (I) One year of experience as a certified lead-based paint  
19 abatement worker; or

20 (II) At least 2 years of experience in a related field (e.g.,  
21 lead, asbestos, or environmental remediation work) or in the building  
22 trades.

23 (b) The following documents shall be recognized by the director  
24 as evidence of meeting the requirements listed in (2)(b)(iii) of this  
25 paragraph:

26 (i) Official academic transcripts or diploma, as evidence of  
27 meeting the education requirements;

28 (ii) Resumes, letters of reference, or documentation of work  
29 experience, as evidence of meeting the work experience requirements;  
30 and

31 (iii) Course completion certificates from lead-specific or  
32 other related training courses, issued by accredited training  
33 programs, as evidence of meeting the training requirements.

34 (c) In order to take the certification examination for a  
35 particular discipline an individual must:

36 (i) Successfully complete an accredited initial training course  
37 in the appropriate discipline and receive a course completion  
38 certificate from an accredited training program; and

39 (ii) Meet or exceed the education and/or experience  
40 requirements in paragraph (2)(a)(iii) of this section.

41 (d) The initial training course completion certificate shall  
42 serve as interim certification for an individual until the next  
43 available opportunity to take the certification exam. Such interim  
44 certification shall expire 6 months after issuance.

45 (e) After passing the appropriate certification exam and

1 submitting an application demonstrating that he/she meets the  
2 appropriate training, education, and/or experience prerequisites  
3 described in paragraph (2)(a) of this section, an individual shall be  
4 issued a certificate by the director. To maintain certification, an  
5 individual must be re-certified as described in paragraph (4) of this  
6 section.

7 (f) An individual may take the certification exam no more than  
8 three times within 6 months of receiving an initial training course  
9 completion certificate.

10 (g) If an individual does not pass the certification exam and  
11 receive a certificate within 6 months of receiving his/her initial  
12 training course completion certificate, the individual must retake the  
13 appropriate initial training course from an accredited training  
14 program before reapplying for certification from the director.

15 (3) Abatement worker and project designer.

16 (a) To become certified by the director as an abatement worker  
17 or project designer, pursuant to paragraph (1)(a)(i) of this section,  
18 an individual must:

19 (i) Successfully complete an accredited initial training course  
20 in the appropriate discipline and receive a course completion  
21 certificate from an accredited training program; and

22 (ii) Meet or exceed the following additional experience and/or  
23 education requirements:

24 (A) Abatement workers. No additional experience and/or  
25 education requirements; and

26 (B) Project designers.

27 (I) Successful completion of an accredited initial training  
28 course for supervisors;

29 (II) Bachelor's degree in engineering, architecture, or a  
30 related profession, and 1 year of experience in building construction  
31 and design or a related field; or

32 (III) Four years of experience in building construction and  
33 design or a related field.

34 (b) The following documents shall be recognized by the director  
35 as evidence of meeting the requirements listed in this paragraph:

36 (i) Official academic transcripts or diploma, as evidence of  
37 meeting the education requirements;

38 (ii) Resumes, letters of reference, or documentation of work  
39 experience, as evidence of meeting the work experience requirements;  
40 and

41 (iii) Course completion certificates from lead-specific or  
42 other related training courses, issued by accredited training  
43 programs, as evidence of meeting the training requirements.

44 (c) The initial training course completion certificate shall  
45 serve as an interim certification until certification from the

1 director is received, but shall be valid for no more than 6 months from  
2 the date of completion.

3 (d) After successfully completing the appropriate initial  
4 training courses and meeting any other qualifications described in  
5 paragraph (3)(a) of this section, an individual shall be issued a  
6 certificate from the director. To maintain certification, an  
7 individual must be re-certified as described in paragraph (4) of this  
8 section.

9 (4) Re-certification.

10 (a) To maintain certification in a particular discipline, a  
11 certified individual shall apply to and be re-certified by the director  
12 in that discipline by the director either:

13 (i) Every 3 years if the individual completed a training course  
14 with a course test and hands-on assessment; or

15 (ii) Every 5 years if the individual completed a training course  
16 with a proficiency test.

17 (b) An individual shall be re-certified if the individual  
18 successfully completes the appropriate accredited refresher training  
19 course and submits a valid copy of the appropriate refresher training  
20 course completion certificate. For the supervisor, inspector, or  
21 risk assessor disciplines, if more than 3 years but less than 4 years  
22 have passed since certification or re-certification for an individual  
23 that completed an initial or a refresher training course with a course  
24 test and hands-on assessment, or if more than 5 years but less than  
25 6 years have passed since certification or re-certification for an  
26 individual that completed an initial or a refresher training course  
27 with a proficiency test, then the individual must also pass the  
28 certification exam in the appropriate discipline offered by the  
29 director. During the time period when the individual is not certified  
30 by the director, that individual cannot perform any regulated work  
31 activities that requires individual certification.

32 (c) Individuals applying for re-certification must submit the  
33 appropriate fees in accordance with the current Department of  
34 Environmental Quality Fee Schedule.

35 (5) Certification of firms.

36 (a) All firms which perform or offer to perform any of the  
37 lead-based paint activities or renovations described in R307-842-3  
38 shall be certified by the director.

39 (b) A firm seeking certification shall submit to the director  
40 a letter attesting that the firm shall only employ appropriately  
41 certified employees to conduct lead-based paint activities, and that  
42 the firm and its employees shall follow the work practice standards  
43 in R307-842-3 for conducting lead-based paint activities.

44 (c) From the date of receiving the firm's letter requesting  
45 certification, the director shall have 90 days to approve or disapprove

1 the firm's request for certification. Within that time, the director  
2 shall respond with either a certificate of approval or a letter  
3 describing the reasons for disapproval.

4 (d) The firm shall maintain all records pursuant to the  
5 requirements in R307-842-3.

6 (e) Firms may apply to the director for certification to engage  
7 in lead-based paint activities pursuant to this section.

8 (f) Firms applying for certification or re-certification must  
9 submit the appropriate fees in accordance with the current Department  
10 of Environmental Quality Fee Schedule.

11 (6) Suspension, revocation, and modification of certifications  
12 of individuals engaged in lead-based paint activities.

13 (a) The director may, after notice and opportunity for hearing,  
14 suspend, revoke, or modify an individual's certification if an  
15 individual has:

16 (i) Obtained training documentation through fraudulent means;

17 (ii) Gained admission to and completed an accredited training  
18 program through misrepresentation of admission requirements;

19 (iii) Obtained certification through misrepresentation of  
20 certification requirements or related documents dealing with  
21 education, training, professional registration, or experience;

22 (iv) Performed work requiring certification at a job site  
23 without having proof of certification;

24 (v) Permitted the duplication or use of the individual's own  
25 certificate by another;

26 (vi) Performed work for which certification is required, but for  
27 which appropriate certification has not been received;

28 (vii) Failed to comply with the appropriate work practice  
29 standards for lead-based paint activities at R307-842-3; or

30 (viii) Failed to comply with federal, state, or local lead-based  
31 paint statutes or regulations.

32 (b) In addition to an administrative or judicial finding of  
33 violation, for purposes of this section only, execution of a consent  
34 agreement in settlement of an enforcement action constitutes evidence  
35 of a failure to comply with relevant statutes or regulations.

36 (7) Suspension, revocation, and modification of certifications  
37 of firms engaged in lead-based paint activities.

38 (a) The director may, after notice and opportunity for hearing,  
39 suspend, revoke, or modify a firm's certification if a firm has:

40 (i) Performed work requiring certification at a job site with  
41 individuals who are not certified;

42 (ii) Failed to comply with the work practice standards  
43 established in R307-842-3;

44 (iii) Misrepresented facts in its letter of application for  
45 certification to the director;

1 (iv) Failed to maintain required records; or  
2 (v) Failed to comply with federal, state, or local lead-based  
3 paint statutes or regulations.

4 (b) In addition to an administrative or judicial finding of  
5 violation, for purposes of this section only, execution of a consent  
6 agreement in settlement of an enforcement action constitutes evidence  
7 of a failure to comply with relevant statutes or regulations.

8

9 **R307-842-3. Work Practice Standards for Conducting Lead-Based Paint**  
10 **Activities: Target Housing and Child-Occupied Facilities.**

11 (1) Effective date, applicability, and terms.

12 (a) All lead-based paint activities shall be performed pursuant  
13 to the work practice standards contained in this section.

14 (b) When performing any lead-based paint activity described by  
15 the certified individual as an inspection, lead-hazard screen, risk  
16 assessment, or abatement, a certified individual must perform that  
17 activity in compliance with the appropriate requirements below.

18 (c) Documented methodologies that are appropriate for this  
19 section are found in the following: the HUD Guidelines for the  
20 Evaluation and Control of Lead-Based Paint Hazards in Housing, the EPA  
21 Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and  
22 Lead-Contaminated Soil, the EPA Residential Sampling for Lead:  
23 Protocols for Dust and Soil Sampling (EPA report number  
24 7474-R-95-001), and other equivalent methods and guidelines.

25 (d) Clearance levels are appropriate for the purposes of this  
26 section may be found in the EPA Guidance on Residential Lead-Based  
27 Paint, Lead-Contaminated Dust, and Lead Contaminated Soil or other  
28 equivalent guidelines.

29 (2) Inspection.

30 (a) An inspection shall be conducted only by a person certified  
31 by the director as an inspector or risk assessor and, if conducted,  
32 must be conducted according to the procedures in this paragraph.

33 (b) When conducting an inspection, the following locations  
34 shall be selected according to documented methodologies and tested for  
35 the presence of lead-based paint:

36 (i) In a residential dwelling and child-occupied facility, each  
37 component with a distinct painting history and each exterior component  
38 with a distinct painting history shall be tested for lead-based paint,  
39 except those components that the inspector or risk assessor determines  
40 to have been replaced after 1978, or to not contain lead-based paint;  
41 and

42 (ii) In a multi-family dwelling or child-occupied facility,  
43 each component with a distinct painting history in every common area,  
44 except those components that the inspector or risk assessor determines  
45 to have been replaced after 1978, or to not contain lead-based paint.

1 (c) Paint shall be sampled in the following manner:

2 (i) The analysis of paint to determine the presence of lead shall  
3 be conducted using documented methodologies which incorporate  
4 adequate quality control procedures; and/or

5 (ii) All collected paint chip samples shall be analyzed  
6 according to paragraph (6) of this section to determine if they contain  
7 detectable levels of lead that can be quantified numerically.

8 (d) The certified inspector or risk assessor shall prepare an  
9 inspection report which shall include the following information:

10 (i) Date of each inspection;

11 (ii) Address of building;

12 (iii) Date of construction;

13 (iv) Apartment numbers (if applicable);

14 (v) Name, address, and telephone number of the owner or owners  
15 of each residential dwelling or child-occupied facility;

16 (vi) Name, signature, and certification number of each  
17 certified inspector and/or risk assessor conducting testing;

18 (vii) Name, address, and telephone number of the certified firm  
19 employing each inspector and/or risk assessor, if applicable;

20 (viii) Each testing method and device and/or sampling procedure  
21 employed for paint analysis, including quality control data and, if  
22 used, the serial number of any x-ray fluorescence (XRF) device;

23 (ix) Specific locations of each painted component tested for the  
24 presence of lead-based paint; and

25 (x) The results of the inspection expressed in terms appropriate  
26 to the sampling method used.

27 (3) Lead hazard screen.

28 (a) A lead hazard screen shall be conducted only by a person  
29 certified by the director as a risk assessor.

30 (b) If conducted, a lead hazard screen shall be conducted as  
31 follows:

32 (i) Background information regarding the physical  
33 characteristics of the residential dwelling or child-occupied  
34 facility and occupant use patterns that may cause lead-based paint  
35 exposure to one or more children age 6 years and under shall be  
36 collected;

37 (ii) A visual inspection of the residential dwelling or  
38 child-occupied facility shall be conducted to:

39 (A) Determine if any deteriorated paint is present; and

40 (B) Locate at least two dust sampling locations;

41 (iii) If deteriorated paint is present, each surface with  
42 deteriorated paint, which is determined, using documented  
43 methodologies, to be in poor condition and to have a distinct painting  
44 history, shall be tested for the presence of lead;

45 (iv) In residential dwellings, two composite dust samples shall

1 be collected, one from the floors and the other from the windows, in  
2 rooms, hallways, or stairwells where one or more children, age 6 and  
3 under, are most likely to come in contact with dust; and

4 (v) In multi-family dwellings and child-occupied facilities, in  
5 addition to the floor and window samples required in paragraph  
6 (3)(b)(iv) of this section, the risk assessor shall also collect  
7 composite dust samples from common areas where one or more children,  
8 age 6 and under, are most likely to come into contact with dust.

9 (c) Dust samples shall be collected and analyzed in the  
10 following manner:

11 (i) All dust samples shall be taken using documented  
12 methodologies that incorporate adequate quality control procedures;  
13 and

14 (ii) All collected dust samples shall be analyzed according to  
15 paragraph (6) of this section to determine if they contain detectable  
16 levels of lead that can be quantified numerically.

17 (d) Paint shall be sampled in the following manner:

18 (i) The analysis of paint to determine the presence of lead shall  
19 be conducted using documented methodologies which incorporate  
20 adequate quality control procedures; and/or

21 (ii) All collected paint chip samples shall be analyzed  
22 according to paragraph (6) of this section to determine if they contain  
23 detectable levels of lead that can be quantified numerically.

24 (e) The risk assessor shall prepare a lead hazard screen report,  
25 which shall include the following information:

26 (i) The information required in a risk assessment report as  
27 specified in paragraph (4) of this section, including paragraphs  
28 (4)(k)(i) through (4)(k)(xiv), and excluding paragraphs (4)(k)(xv)  
29 through (4)(k)(xviii) of this section. Additionally, any background  
30 information collected pursuant to paragraph (3)(b)(i) of this section  
31 shall be included in the lead hazard screen report; and

32 (ii) Recommendations, if warranted, for a follow-up risk  
33 assessment, and as appropriate, any further actions.

34 (4) Risk assessment.

35 (a) A risk assessment shall be conducted only by a person  
36 certified by the director as a risk assessor and, if conducted, must  
37 be conducted according to the procedures in this paragraph.

38 (b) A visual inspection for risk assessment of the residential  
39 dwelling or child-occupied facility shall be undertaken to locate the  
40 existence of deteriorated paint, assess the extent and causes of the  
41 deterioration, and other potential lead-based paint hazards.

42 (c) Background information regarding the physical  
43 characteristics of the residential dwelling or child-occupied  
44 facility and occupant use patterns that may cause lead-based paint  
45 exposure to one or more children age 6 years and under shall be

1 collected.

2 (d) The following surfaces which are determined, using  
3 documented methodologies, to have a distinct painting history, shall  
4 be tested for the presence of lead:

5 (i) Each friction surface or impact surface with visibly  
6 deteriorated paint; and

7 (ii) All other surfaces with visibly deteriorated paint.

8 (e) In residential dwellings, dust samples (either composite or  
9 single-surface samples) from the interior window sill(s) and floor  
10 shall be collected and analyzed for lead concentration in all living  
11 areas where one or more children, age 6 and under, are most likely to  
12 come into contact with dust.

13 (f) For multi-family dwellings and child-occupied facilities,  
14 the samples required in paragraph (4)(d) of this section shall be  
15 taken. In addition, interior window sill and floor dust samples  
16 (either composite or single-surface samples) shall be collected and  
17 analyzed for lead concentration in the following locations:

18 (i) Common areas adjacent to the sampled residential dwelling  
19 or child-occupied facility; and

20 (ii) Other common areas in the building where the risk assessor  
21 determines that one or more children, age 6 and under, are likely to  
22 come into contact with dust.

23 (g) For child-occupied facilities, interior window sill and  
24 floor dust samples (either composite or single-surface samples) shall  
25 be collected and analyzed for lead concentration in each room, hallway,  
26 or stairwell utilized by one or more children, age 6 and under, and  
27 in other common areas in the child-occupied facility where one or more  
28 children, age 6 and under, are likely to come into contact with dust.

29 (h) Soil samples shall be collected and analyzed for lead  
30 concentrations in the following locations:

31 (i) Exterior play areas where bare soil is present;

32 (ii) The rest of the yard (i.e., non-play areas) where bare soil  
33 is present; and

34 (iii) Dripline/foundation areas where bare soil is present.

35 (i) Any paint, dust, or soil sampling or testing shall be  
36 conducted using documented methodologies that incorporate adequate  
37 quality control procedures.

38 (j) Any collected paint chip, dust, or soil samples shall be  
39 analyzed according to paragraph (6) of this section to determine if  
40 they contain detectable levels of lead that can be quantified  
41 numerically.

42 (k) The certified risk assessor shall prepare a risk assessment  
43 report which shall include the following information:

44 (i) Date of assessment;

45 (ii) Address of each building;

- 1 (iii) Date of construction of buildings;  
2 (iv) Apartment number (if applicable);  
3 (v) Name, address, and telephone number of each owner of each  
4 building;  
5 (vi) Name, signature, and certification number of the certified  
6 risk assessor conducting the assessment;  
7 (vii) Name, address, and telephone number of the certified firm  
8 employing each certified risk assessor if applicable;  
9 (viii) Name, address, and telephone number of each recognized  
10 laboratory conducting analysis of collected samples;  
11 (ix) Results of the visual inspection;  
12 (x) Testing method and sampling procedure for paint analysis  
13 employed;  
14 (xi) Specific locations of each painted component tested for the  
15 presence of lead;  
16 (xii) All data collected from on-site testing, including  
17 quality control data and, if used, the serial number of any XRF device.  
18 (xiii) All results of laboratory analysis on collected paint,  
19 soil, and dust samples;  
20 (xiv) Any other sampling results;  
21 (xv) Any background information collected pursuant to paragraph  
22 (4)(c) of this section;  
23 (xvi) To the extent that they are used as part of the lead-based  
24 paint hazard determination, the results of any previous inspections  
25 or analyses for the presence of lead-based paint, or other assessments  
26 of lead-based paint-related hazards;  
27 (xvii) A description of the location, type, and severity of  
28 identified lead-based paint hazards and any other potential lead  
29 hazards; and  
30 (xviii) A description of interim controls and/or abatement  
31 options for each identified lead-based paint hazard and a suggested  
32 prioritization for addressing each hazard. If the use of an  
33 encapsulant or enclosure is recommended, the report shall recommend  
34 a maintenance and monitoring schedule for the encapsulant or  
35 enclosure.
- 36 (5) Abatement.
- 37 (a) An abatement shall be conducted only by an individual  
38 certified by the director, and if conducted, shall be conducted  
39 according to the procedures in this paragraph.
- 40 (b) A certified supervisor is required for each abatement  
41 project and shall be onsite during all work site preparation and during  
42 the post-abatement cleanup of work areas. At all other times when  
43 abatement activities are being conducted, the certified supervisor  
44 shall be onsite or available by telephone, pager or answering service,  
45 and able to be present at the work site in no more than 2 hours.

1 (c) The certified supervisor and the certified firm employing  
2 that supervisor shall ensure that all abatement activities are  
3 conducted according to the requirements of this section and all other  
4 federal, state, and local requirements.

5 (d) A certified firm must notify the director of lead-based  
6 paint abatement activities as follows:

7 (i) Except as provided in paragraph (5)(d)(ii) of this section,  
8 the director must be notified prior to conducting lead-based paint  
9 abatement activities. The original notification must be received by  
10 the director at least 5 business days before the start date of any  
11 lead-based paint abatement activities;

12 (ii) Notification for lead-based paint abatement activities  
13 required in response to an elevated blood lead level (EBL)  
14 determination, or federal, state, tribal, or local emergency abatement  
15 order should be received by the director as early as possible before,  
16 but must be received no later than the start date of the lead-based  
17 paint abatement activities. Should the start date and/or location  
18 provided to the director change, an updated notification must be  
19 received by the director on or before the start date provided to the  
20 director. Documentation showing evidence of an EBL determination or  
21 a copy of the federal/state/tribal/local emergency abatement order  
22 must be included in the written notification to take advantage of this  
23 abbreviated notification period;

24 (iii) Except as provided in paragraph (5)(d)(ii) of this  
25 section, updated notification must be provided to the director for  
26 lead-based paint abatement activities that will begin on a date other  
27 than the start date specified in the original notification, as follows:

28 (A) For lead-based paint abatement activities beginning prior  
29 to the start date provided to the director an updated notification must  
30 be received by the director at least 5 business days before the new  
31 start date included in the notification; and

32 (B) For lead-based paint abatement activities beginning after  
33 the start date provided to the director an updated notification must  
34 be received by the director on or before the start date provided to  
35 the director;

36 (iv) Except as provided in paragraph (5)(d)(ii) of this section,  
37 updated notification must be provided to the director for any change  
38 in location of lead-based paint abatement activities at least 5  
39 business days prior to the start date provided to the director;

40 (v) Updated notification must be provided to the director when  
41 lead-based paint abatement activities are canceled, or when there are  
42 other significant changes including, but not limited to, when the  
43 square footage or acreage to be abated changes by more than 20%. This  
44 updated notification must be received by the director on or before the  
45 start date provided to the director, or if work has already begun,

1 within 24 hours of the change;

2 (vi) The following must be included in each notification:

3 (A) Notification type (original, updated, or cancellation);

4 (B) Date when lead-based paint abatement activities will start;

5 (C) Date when lead-based paint abatement activities will end  
6 (approximation using best professional judgment);

7 (D) Firm's name, Utah lead-based paint firm certification  
8 number, address, and telephone number;

9 (E) Type of building (e.g., single family dwelling,  
10 multi-family dwelling, and/or child-occupied facilities) on/in which  
11 abatement work will be performed;

12 (F) Property name (if applicable);

13 (G) Property address including apartment or unit number(s) (if  
14 applicable) for abatement work;

15 (H) Documentation showing evidence of an EBL determination or  
16 a copy of the federal/state/tribal/local emergency abatement order,  
17 if using the abbreviated time period as described in paragraph  
18 (5)(d)(ii) of this section;

19 (I) Name and Utah lead-based paint individual certification  
20 number of the project supervisor;

21 (J) Approximate square footage/acreage to be abated;

22 (K) Brief description of abatement activities to be performed;  
23 and

24 (L) Name, title, and signature of the representative of the  
25 certified firm who prepared the notification;

26 (vii) Notification must be accomplished using any of the  
27 following methods: Written notification, or electronically using the  
28 Utah Division of Air Quality electronic notification system. Written  
29 notification can be accomplished using either the sample form titled  
30 "Lead-Based Paint Abatement Project Notification" or similar form  
31 containing the information required in paragraph (5)(d)(vi) of this  
32 section. All written notifications must be delivered by United States  
33 Postal Service, fax, commercial delivery service, hand delivery, or  
34 by email on or before the applicable date. Instructions and sample  
35 forms can be obtained from the Utah Division of Air Quality Lead-Based  
36 Paint Program web site;

37 (viii) Lead-based paint abatement activities shall not begin on  
38 a date, or at a location other than that specified in either an original  
39 or updated notification, in the event of changes to the original  
40 notification; and

41 (ix) No firm or individual shall engage in lead-based paint  
42 abatement activities, as defined in R307-840-2, prior to notifying the  
43 director of such activities according to the requirements of this  
44 paragraph.

45 (e) A written occupant protection plan shall be developed for

1 all abatement projects and shall be prepared according to the following  
2 procedures:

3 (i) The occupant protection plan shall be unique to each  
4 residential dwelling or child-occupied facility and be developed prior  
5 to the abatement. The occupant protection plan shall describe the  
6 measures and management procedures that will be taken during the  
7 abatement to protect the building occupants from exposure to any  
8 lead-based paint hazards; and

9 (ii) A certified supervisor or project designer shall prepare  
10 the occupant protection plan.

11 (f) Containing the work area. Before beginning the abatement  
12 activity, the firm must isolate the work area so that no dust or debris  
13 leaves the work area while the abatement is being performed. In  
14 addition, the firm must maintain the integrity of the containment  
15 by ensuring that any plastic or other impermeable materials are not  
16 torn or displaced, and taking any other steps necessary to ensure  
17 that no dust or debris leaves the work area while the abatement is  
18 being performed. The firm must also ensure that containment is  
19 installed in such a manner that it does not interfere with occupant  
20 and worker egress in an emergency.

21 (i) Interior abatement. The firm must:

22 (A) Remove all objects from the work area, including  
23 furniture, rugs, and window coverings, or cover them with plastic  
24 sheeting or other impermeable material with all seams and edges taped  
25 or otherwise sealed;

26 (B) Close and cover all duct openings in the work area with  
27 taped-down plastic sheeting or other impermeable material;

28 (C) Close windows and doors in the work area. Doors must be  
29 covered with plastic sheeting or other impermeable material and  
30 sealed with duct tape or equivalent. Doors used as an entrance to  
31 the work area must be covered with plastic sheeting or other  
32 impermeable material in a manner that allows workers to pass through  
33 while confining dust and debris to the work area;

34 (D) Cover the floor surface, including installed carpet, with  
35 taped-down plastic sheeting or other impermeable material in the work  
36 area 6 feet beyond the perimeter of surfaces undergoing abatement  
37 or a sufficient distance to contain the dust, whichever is greater.  
38 Floor containment measures may stop at the edge of the vertical  
39 barrier when using a vertical containment system consisting of  
40 impermeable barriers that extend from the floor to the ceiling and  
41 are tightly sealed at joints with the floor, ceiling, and walls; and

42 (E) Use precautions to ensure that all personnel, tools, and  
43 other items, including the exterior of containers of waste, are free  
44 of dust and debris before leaving the work area.

45 (ii) Exterior abatement. The firm must:

1       (A) Close all doors and windows within 20 feet of the  
2 abatement. On multi-story buildings, close all doors and windows  
3 within 20 feet of the abatement on the same floor as the abatement,  
4 and close all doors and windows on all floors below that are the same  
5 horizontal distance from the abatement;

6       (B) Ensure that doors within the work area that will be used  
7 while the job is being performed are covered with plastic sheeting  
8 or other impermeable material in a manner that allows workers to pass  
9 through while confining dust and debris to the work area;

10       (C) Cover the ground with plastic sheeting or other disposable  
11 impermeable material extending 10 feet beyond the perimeter of  
12 surfaces undergoing abatement or a sufficient distance to collect  
13 falling paint debris, whichever is greater, unless the property line  
14 prevents 10 feet of such ground covering. Ground containment measures  
15 may stop at the edge of the vertical barrier when using a vertical  
16 containment system; and

17       (D) If the abatement will affect surfaces within 10 feet of  
18 the property line, the lead-based paint firm must erect vertical  
19 containment or equivalent precautions in containing the work area  
20 to ensure that dust and debris from the abatement does not contaminate  
21 adjacent buildings or migrate to adjacent properties. Vertical  
22 containment or equivalent extra precautions in containing the work  
23 area may also be necessary in other situations in order to prevent  
24 contamination of other buildings, other areas of the property, or  
25 adjacent buildings or properties.

26       ([£]g) The work practices listed below shall be restricted  
27 during an abatement as follows:

28       (i) Open-flame burning or torching of lead-based paint is  
29 prohibited;

30       (ii) Machine sanding or grinding or abrasive blasting or  
31 sandblasting of lead-based paint is prohibited unless used with High  
32 Efficiency Particulate Air (HEPA) exhaust control which removes  
33 particles of 0.3 microns or larger from the air at 99.97% or greater  
34 efficiency;

35       (iii) Dry scraping of lead-based paint is permitted only in  
36 conjunction with heat guns or around electrical outlets or when  
37 treating defective paint spots totaling no more than 2 square feet in  
38 any one room, hallway, or stairwell or totaling no more than 20 square  
39 feet on exterior surfaces; and

40       (iv) Operating a heat gun on lead-based paint is permitted only  
41 at temperatures below 1100 degrees Fahrenheit.

42       (h) Waste from abatement.

43       (i) Waste from the abatement activity must be contained to  
44 prevent releases of dust and debris before the waste is removed from  
45 the work area for storage or disposal. If a chute is used to remove

1 waste from the work area, it must be covered.

2 (ii) At the conclusion of each work day and at the conclusion  
3 of the abatement, waste that has been collected from the abatement must  
4 be stored under containment, in an enclosure, or behind a barrier that  
5 prevents release of dust and debris out of the work area and prevents  
6 access to dust and debris.

7 (iii) When the firm transports waste from the abatement, the firm  
8 must contain the waste to prevent release of dust and debris.

9 ([g]i) If conducted, soil abatement shall be conducted in one of  
10 the following ways:

11 (i) If the soil is removed:

12 (A) The soil shall be replaced by soil with a lead concentration  
13 as close to local background as practicable, but no greater than 400  
14 ppm; and

15 (B) The soil that is removed shall not be used as top soil at  
16 another residential property or child-occupied facility; or

17 (ii) If soil is not removed, the soil shall be permanently  
18 covered, as defined in R307-840-2.

19 ([h]j) The following post-abatement clearance procedures shall  
20 be performed only by a certified inspector or risk assessor:

21 (i) Following an abatement, a visual inspection shall be  
22 performed to determine if deteriorated painted surfaces and/or visible  
23 amounts of dust, debris, or residue are still present. If  
24 deteriorated painted surfaces or visible amounts of dust, debris, or  
25 residue are present, these conditions must be eliminated prior to the  
26 continuation of the clearance procedures;

27 (ii) Following the visual inspection and any post-abatement  
28 cleanup required by paragraph (5)(h)(i) of this section, clearance  
29 sampling for lead in dust shall be conducted. Clearance sampling may  
30 be conducted by employing single-surface sampling or composite  
31 sampling techniques;

32 (iii) Dust samples for clearance purposes shall be taken using  
33 documented methodologies that incorporate adequate quality control  
34 procedures;

35 (iv) Dust samples for clearance purposes shall be taken a  
36 minimum of 1 hour after completion of final post-abatement cleanup  
37 activities;

38 (v) The following post-abatement clearance activities shall be  
39 conducted as appropriate based upon the extent or manner of abatement  
40 activities conducted in or to the residential dwelling or  
41 child-occupied facility:

42 (A) After conducting an abatement with containment between  
43 abated and unabated areas, one dust sample shall be taken from one  
44 interior window sill and from one window trough (if present) and one  
45 dust sample shall be taken from the floors of each of no less than four

1 rooms, hallways, or stairwells within the containment area. In  
2 addition, one dust sample shall be taken from the floor outside the  
3 containment area. If there are less than four rooms, hallways, or  
4 stairwells within the containment area, then all rooms, hallways, or  
5 stairwells shall be sampled;

6 (B) After conducting an abatement with no containment, two dust  
7 samples shall be taken from each of no less than four rooms, hallways,  
8 or stairwells in the residential dwelling or child-occupied facility.  
9 One dust sample shall be taken from one interior window sill and window  
10 trough (if present) and one dust sample shall be taken from the floor  
11 of each room, hallway, or stairwell selected. If there are less than  
12 four rooms, hallways, or stairwells within the residential dwelling  
13 or child-occupied facility, then all rooms, hallways, or stairwells  
14 shall be sampled; and

15 (C) Following an exterior paint abatement, a visible inspection  
16 shall be conducted. All horizontal surfaces in the outdoor living  
17 area closest to the abated surface shall be found to be cleaned of  
18 visible dust and debris. In addition, a visual inspection shall be  
19 conducted to determine the presence of paint chips on the dripline or  
20 next to the foundation below any exterior surface abated. If paint  
21 chips are present, they must be removed from the site and properly  
22 disposed of, according to all applicable federal, state, and local  
23 requirements;

24 (vi) The rooms, hallways, or stairwells selected for sampling  
25 shall be selected according to documented methodologies;

26 (vii) The certified inspector or risk assessor shall compare the  
27 residual lead level (as determined by the laboratory analysis) from  
28 each single surface dust sample with clearance levels in paragraph  
29 (5)(h)(viii) of this section for lead in dust on floors, interior  
30 window sills, and window troughs or from each composite dust sample  
31 with the applicable clearance levels for lead in dust on floors,  
32 interior window sills, and window troughs divided by half the number  
33 of subsamples in the composite sample. If the residual lead level in  
34 a single surface dust sample equals or exceeds the applicable clearance  
35 level or if the residual lead level in a composite dust sample equals  
36 or exceeds the applicable clearance level divided by half the number  
37 of subsamples in the composite sample, the components represented by  
38 the failed sample shall be recleaned and retested; and

39 (viii) The clearance levels for lead in dust are ~~[40]~~10 ug/ft<sup>2</sup>  
40 for floors, ~~[250]~~100 ug/ft<sup>2</sup> for interior window sills, and  
41 400 ug/ft<sup>2</sup> for window troughs.

42 (ix) Occupants of the home shall not be allowed into the  
43 abatement work area until clearance dust sample results are received  
44 by the inspector or risk assessor and are found to be acceptable  
45 according to dust-lead clearance level standards.

1           ([+]k) In a multi-family dwelling with similarly constructed and  
2 maintained residential dwellings, random sampling for the purposes of  
3 clearance may be conducted provided:

4           (i) The certified individuals who abate or clean the residential  
5 dwellings do not know which residential dwelling will be selected for  
6 the random sample;

7           (ii) A sufficient number of residential dwellings are selected  
8 for dust sampling to provide a 95% level of confidence that no more  
9 than 5% or 50 of the residential dwellings (whichever is smaller) in  
10 the randomly sampled population exceed the appropriate clearance  
11 levels; and

12           (iii) The randomly selected residential dwellings shall be  
13 sampled and evaluated for clearance according to the procedures found  
14 in paragraph (5)(h) of this section.

15           ([k]l) An abatement report shall be prepared by a certified  
16 supervisor or project designer no later than 30 business days after  
17 receiving the results of final clearance testing and all soil analyses  
18 (if applicable). The abatement report shall include the following  
19 information:

20           (i) Start and completion dates of abatement;

21           (ii) The name and address of each certified firm conducting the  
22 abatement and the name of each supervisor assigned to the abatement  
23 project;

24           (iii) The occupant protection plan prepared pursuant to  
25 paragraph (5)(e) of this section;

26           (iv) The name, address, and signature of each certified risk  
27 assessor or inspector conducting clearance sampling and the date of  
28 clearance testing;

29           (v) The results of clearance testing and all soil analyses (if  
30 applicable) and the name of each recognized laboratory that conducted  
31 the analyses; and

32           (vi) A detailed written description of the abatement, including  
33 abatement methods used, locations of rooms and/or components where  
34 abatement occurred, reason for selecting particular abatement methods  
35 for each component, and any suggested monitoring of encapsulants or  
36 enclosures.

37           (6) Collection and laboratory analysis of samples. Any paint  
38 chip, dust, or soil samples collected pursuant to the work practice  
39 standards contained in this section shall be:

40           (a) Collected by persons certified by the director as an  
41 inspector or risk assessor; and

42           (b) Analyzed by a laboratory recognized by EPA pursuant to  
43 Section 405(b) of TSCA as being capable of performing analyses for lead  
44 compounds in paint chip, dust, and soil samples.

45           (7) Composite dust sampling. Composite dust sampling may only

1 be conducted in the situations specified in paragraphs (3) through (5)  
2 of this section. If such sampling is conducted, the following  
3 conditions shall apply:

4 (a) Composite dust samples shall consist of at least two  
5 subsamples;

6 (b) Every component that is being tested shall be included in  
7 the sampling; and

8 (c) Composite dust samples shall not consist of subsamples from  
9 more than one type of component.

10 (8) Determinations.

11 (a) Lead-based paint is present:

12 (i) On any surface that is tested and found to contain lead equal  
13 to or in excess of 1.0 milligrams per square centimeter or equal to  
14 or in excess of 0.5% by weight; and

15 (ii) On any surface like a surface tested in the same room  
16 equivalent that has a similar painting history and that is found to  
17 be lead-based paint.

18 (b) A paint-lead hazard is present:

19 (i) On any friction surface that is subject to abrasion and where  
20 the lead dust levels on the nearest horizontal surface underneath the  
21 friction surface (e.g., the window sill or floor) are equal to or  
22 greater than the dust hazard levels identified in the definition of  
23 "Dust-lead hazard" in R307-840-2;

24 (ii) On any chewable lead-based paint surface on which there is  
25 evidence of teeth marks;

26 (iii) Where there is any damaged or otherwise deteriorated  
27 lead-based paint on an impact surface that is caused by impact from  
28 a related building component (such as a door knob that knocks into a  
29 wall or a door that knocks against its door frame); and

30 (iv) If there is any other deteriorated lead-based paint in any  
31 residential building or child-occupied facility or on the exterior of  
32 any residential building or child-occupied facility.

33 (c) A dust-lead hazard is present in a residential dwelling or  
34 child-occupied facility:

35 (i) In a residential dwelling on floors and interior window  
36 sills when the weighted arithmetic mean lead loading for all single  
37 surface or composite samples of floors and interior window sills are  
38 equal to or greater than ~~[40]~~10 ug/ft<sup>2</sup> for floors and ~~[250]~~100 ug/ft<sup>2</sup>  
39 for interior window sills, respectively;

40 (ii) On floors or interior window sills in an unsampled  
41 residential dwelling in a multi-family dwelling, if a dust-lead hazard  
42 is present on floors or interior window sills, respectively, in at  
43 least one sampled residential unit on the property; and

44 (iii) On floors or interior window sills in an unsampled common  
45 area in a multi-family dwelling, if a dust-lead hazard is present on

1 floors or interior window sills, respectively, in at least one sampled  
2 common area in the same common area group on the property.

3 (d) A soil-lead hazard is present:

4 (i) In a play area when the soil-lead concentration from a  
5 composite play area sample of bare soil is equal to or greater than  
6 400 parts per million; or

7 (ii) In the rest of the yard when the arithmetic mean lead  
8 concentration from a composite sample (or arithmetic mean of composite  
9 samples) of bare soil from the rest of the yard (i.e., non-play areas)  
10 for each residential building on a property is equal to or greater than  
11 1,200 parts per million.

12 (9) Recordkeeping. All reports or plans required in this  
13 section shall be maintained by the certified firm or individual who  
14 prepared the report for no fewer than 3 years. The certified firm or  
15 individual also shall provide copies of these reports to the building  
16 owner who contracted for its services.

17  
18 **R307-842-4. Lead-Based Paint Activities Requirements.**

19 Lead-based paint activities, as defined in R307-840-2, shall only  
20 be conducted according to the procedures and work practice standards  
21 contained in R307-842-3 of this rule. No individual or firm may offer  
22 to perform or perform any lead-based paint activity as defined in  
23 R307-840-2, unless certified to perform that activity according to the  
24 procedures in R307-842-2.

25  
26 **R307-842-5. Work Practice Requirements for Lead-Based Paint Hazards.**

27 Applicable certification, occupant protection, and clearance  
28 requirements and work practice standards are found in R307-842 and in  
29 regulations issued by HUD at 24 CFR Part 35, Subpart R. The work  
30 practice standards in those regulations do not apply when treating  
31 paint-lead hazards of less than:

32 (a) Two square feet of deteriorated lead-based paint per room  
33 or equivalent,

34 (b) Twenty square feet of deteriorated paint on the exterior  
35 building, or

36 (c) Ten percent of the total surface area of deteriorated paint  
37 on an interior or exterior type of component with a small surface area.

38  
39 **KEY: paint, lead-based paint, lead-based paint abatement**

40 **Date of Enactment or Last Substantive Amendment: May 9, 2017**

41 **Notice of Continuation: December 9, 2019**

42 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

**State of Utah**  
**Administrative Rule Analysis**  
 Revised May 2020

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New ___ Amendment ___X___; Repeal ___; Repeal and Reenact ___		
<b>Title No. - Rule No. - Section No.</b>		
<b>Utah Admin. Code Ref (R no.):</b>	R307-842	<b>Filing No. (Office Use Only)</b>
<b>Changed to Admin. Code Ref. (R no.):</b>	R	

**Agency Information**

<b>1. Department:</b>	Utah Department of Air Quality	
<b>Agency:</b>	Utah Department of Environmental Quality	
<b>Room no.:</b>		
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 North 1950 West	
<b>City, state:</b>	Salt Lake City, Utah	
<b>Mailing address:</b>	P.O. Box 144820	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Wade Hess	801-707-2428	wadehess@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R307-842. <i>Lead-Based Paint Activities.</i>
<b>3. Purpose of the new rule or reason for the change</b> (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The Environmental Protection Agency lowered dust-lead hazard standards and dust-lead clearance levels. In order to maintain EPA-authorization, our program must implement these rule changes by January 6, 2022. Specific language was added to the previously vague language regarding lead-based paint abatement. There was also language added to prevent training course providers from combining different lead-based paint discipline courses, as they should be taught separately.
<b>4. Summary of the new rule or change:</b>
Dust-lead hazard standards and dust-lead clearance levels have been reduced from 40 µg/ft <sup>2</sup> and 250 µg/ft <sup>2</sup> to 10 µg/ft <sup>2</sup> and 100 µg/ft <sup>2</sup> on floors and window sills, respectively. Language concerning containment of the work area, waste storage and disposal, and occupant safety during a lead-based paint abatement has been added. The new rule also specifies that training courses cannot be combined for any portion of the course and must be taught completely separately.
A public hearing is set for Tuesday, August 3, 2021. Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, August 2, at 10:00AM MDT. The final status of the public hearing will be posted on Monday, August 2, 2021, after 10:00AM MDT. The status of the public hearing may be checked at the following website location under the corresponding rule.
<a href="https://deq.utah.gov/public-notice-archive/air-quality-rule-plan-changes-open-public-comment">https://deq.utah.gov/public-notice-archive/air-quality-rule-plan-changes-open-public-comment</a>

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There are no anticipated costs or savings to the state budget because the rule amendment does not impact the state government.

**B) Local governments:**

There are no anticipated costs or savings to local governments because the rule amendment does not apply to them.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

Small Businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

Non-small Businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities due to this rule amendment because it does not apply to them.

**F) Compliance costs for affected persons:**

There are no anticipated compliance costs for affected persons as a result of this rulemaking.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The head of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this fiscal analysis.

**6. A) Comments by the department head on the fiscal impact this rule may have on businesses:**

The rule amendments in R307-842 are not expected to result in fiscal impacts on businesses other than the minimal impacts discussed above. Beyond longer clean-up times and the potential for using more cleaning products, there are no other anticipated costs.

**B) Name and title of department head commenting on the fiscal impacts:**

Kimberly D. Shelley, Executive Director

**Citation Information**

**7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

19-2-104(1)(i)		

**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables.)

**8. A) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

First Incorporation	
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**B) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Second Incorporation	
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until (mm/dd/yyyy):</b>	08/03/2021	
<b>B) A public hearing (optional) will be held:</b>		
<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
08/03/2021	10:00 AM MDT	meet.google.com/phs-bges-gjs  or by phone: +1 617-675-4444 PIN: 783 369 570 5377#

<b>10. This rule change MAY become effective on (mm/dd/yyyy):</b>	
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date (mm/dd/yyyy):</b>	05/18/2021
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## **R307. Environmental Quality, Air Quality.**

### **R307-842. Lead-Based Paint Activities.**

#### **R307-842-1. Accreditation of Training Programs: Target Housing and Child-Occupied Facilities.**

(1) Scope.

(a) A training program may seek accreditation to offer courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above listed disciplines. Training courses taught in Utah must be accredited by the director. All e-learning renovator refresher courses originating from companies based in Utah must also be accredited by the director.

(b) Training programs may apply to the director for accreditation of their lead-based paint activities courses or refresher courses pursuant to this section. Training programs may apply to the director for accreditation of their renovator or dust sampling technician courses or refresher courses pursuant to this section.

(c) Initial and refresher courses shall be specific to each discipline and shall be conducted as separate and distinct courses and not combined with any other training during the period of the course.

~~(e)d~~ A training program must not provide, offer, or claim to provide director-accredited lead-based paint activities courses without applying for and receiving accreditation from the director as required under paragraph (2) of this section. A training program must not provide, offer, or claim to provide director-accredited renovator or dust sampling technician courses without applying for and receiving accreditation from the director as required under paragraph (2) of this section.

~~(e)e~~ Accredited training programs, training program managers, and principal instructors must comply with all of the requirements of this section including approved terms of the application and all the requirements and limitations specified in any accreditation documents issued to training programs.

(2) Application process. The following are procedures a training program must follow to receive director accreditation to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses:

(a) A training program seeking accreditation shall submit a written application to the director containing the following information:

(i) The training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for accreditation. For the purposes of this section, courses taught in different languages and electronic learning courses are considered different courses, and each must independently meet the accreditation requirements;

(iii) The name and documentation of the qualifications of the training program manager;

(iv) The name(s) and documentation of qualifications of any principal instructor(s); and

(v) A statement signed by the training program manager certifying that the training program meets the requirements established in paragraph (3) of this section. If a training program uses EPA-recommended model training materials, the training program manager shall include a statement certifying that, as well; or

(vi) If a training program does not use EPA-recommended model training materials, its application for accreditation shall also include:

(A) A copy of the student and instructor manuals, or other materials to be used for each course;

(B) A copy of the course agenda for each course; and

(C) When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they had compared the course to the English language version and found the translation to be accurate;

(vii) All training programs shall include in their application for accreditation the following:

(A) A description of the facilities and equipment to be used for lecture and hands-on training;

(B) A copy of the course test blueprint for each course;

(C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course; and

(D) A copy of the quality control plan as described in paragraph (3)(i) of this section.

(b) If a training program meets the requirements in paragraph (3) of this section, then the director shall approve the application for accreditation no more than 180 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the director may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The director may also request additional materials retained by the training program under paragraph (8) of this section. If a training program's application is disapproved, the program may reapply for accreditation at any time.

(c) A training program may apply for accreditation to offer initial courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this section.

(d) A training program applying for accreditation must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(3) Requirements for the accreditation of training programs. A training program accredited by the director to offer lead-based paint activities courses, renovator courses, or dust sampling technician courses must meet the following requirements:

(a) The training program shall employ a training manager who has:

(i) At least 2 years of experience, education, or training in teaching workers or adults; or

(ii) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

- (iii) Two years of experience in managing a training program specializing in environmental hazards; and
  - (iv) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- (b) The training manager shall designate a qualified principal instructor for each course who has:
- (i) Demonstrated experience, education, or training in teaching workers or adults; and
  - (ii) Successfully completed at least 16 hours of any director-accredited, EPA-accredited, or EPA-authorized state or tribal-accredited lead-specific training for instructors of lead-based paint activities courses or 8 hours of any director-accredited, EPA-accredited or EPA-authorized state or tribal-accredited lead-specific training for instructors of renovator or dust sampling technician courses; and
  - (iii) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- (c) The principal instructor shall be responsible for the organization of the course, course delivery, and oversight of the teaching of all course material. The training manager may designate guest instructors as needed for a portion of the course to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. However, the principal instructor is primarily responsible for teaching the course materials and must be present to provide instruction (or oversight of portions of the course taught by guest instructors) for the course for which he or she has been designated the principal instructor.
- (d) The following documents shall be recognized by the director as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in paragraphs (3)(a) and (3)(b) of this section. This documentation must be submitted with the accreditation application and retained by the training program as required by the recordkeeping requirements contained in paragraph (8) of this section. Those documents include the following:
- (i) Official academic transcripts or diploma as evidence of meeting the education requirements;
  - (ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and
  - (iii) Certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.
- (e) The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.
- (f) To become accredited in the following disciplines, the training program shall provide initial training courses that meet the following training requirements:
- (i) The initial inspector course shall last a minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial inspector course are contained in paragraph (4)(a) of this section;
  - (ii) The initial risk assessor course shall last a minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial risk assessor course are contained in paragraph (4)(b) of this section;
  - (iii) The initial supervisor course shall last a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial supervisor course are contained in paragraph (4)(c) of this section;
  - (iv) The initial project designer course shall last a minimum of 8 training hours. The minimum curriculum requirements for the initial project designer course are contained in paragraph (4)(d) of this section;
  - (v) The initial abatement worker course shall last a minimum of 16 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial abatement worker course are contained in paragraph (4)(e) of this section;
  - (vi) The initial renovator course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial renovator course are contained in paragraph (4)(f) of this section; and
  - (vii) The initial dust sampling technician course must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the initial dust sampling technician course are contained in paragraph (4)(g) of this section.
  - (viii) Electronic learning and other alternative course delivery methods are permitted for the classroom portion of renovator, dust sampling technician, or lead-based paint activities courses but not the hands-on portion of these courses, or for final course tests or proficiency tests described in paragraph (3)(g) of this section. Electronic learning courses must comply with the following requirements:
    - (A) A unique identifier must be assigned to each student for them to use to launch and re-launch the course;
    - (B) The training provider must track each student's course log-ins, launches, progress, and completion, and maintain these records in accordance with paragraph (8) of this section;
    - (C) The course must include periodic knowledge checks equivalent to the number and content of the knowledge checks contained in EPA's model course, but at least 16 over the entire course. The knowledge checks must be successfully completed before the student can go on to the next module;
    - (D) There must be a test of at least 20 questions at the end of the electronic learning portion of the course, of which 80% must be answered correctly by the student for successful completion of the electronic learning portion of the course. The test must be designed so that students do not receive feedback on their test answers until after they have completed and submitted the test; and
    - (E) Each student must be able to save or print a copy of an electronic learning course completion certificate. The electronic certificate must not be susceptible to easy editing.
- (g) For each course offered, the training program shall conduct either a course test at the completion of the course, and if applicable, a hands-on skills assessment, or in the alternative, a proficiency test for that discipline. Each student must successfully complete

the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test.

(i) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in paragraph (4) of this section;

(ii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics; and

(iii) The course test shall be developed in accordance with the test blueprint submitted with the training accreditation application.

(h) The training program shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:

(i) The name, a unique identification number, and address of the individual;

(ii) The name of the particular course that the individual completed;

(iii) Dates of course completion/test passage;

(iv) For initial inspector, risk assessor, project designer, supervisor, or abatement worker course completion certificates, the expiration date of interim certification, which is 6 months from the date of course completion;

(v) The name, address, and telephone number of the training program;

(vi) The language in which the course was taught;

(vii) For renovator and dust sampling technician course completion certificates, a photograph of the individual. The photograph must be an accurate and recognizable image of the individual. As reproduced on the certificate, the photograph must not be smaller than 1 square inch; and

(viii) For renovator, dust sampling technician, or lead-based paint activities course completion certificates, the expiration date of the training certificate.

(i) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

(ii) Procedures for the training manager's annual review of principal instructor competency.

(j) Courses offered by the training program must teach the work practice standards contained in R307-841-5 or R307-842-3, as applicable, in such a manner that trainees are provided with the knowledge needed to perform the renovations or lead-based paint activities they will be responsible for conducting.

(k) The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements in this section.

(l) The training manager shall allow the director or the director's authorized representative to audit the training program to verify the contents of the application for accreditation as described in paragraph (2) of this section.

(m) The training manager must provide notification of renovator, dust sampling technician, or lead-based paint activities courses offered.

(i) The training manager must provide the director with notification of all renovator, dust sampling technician, or lead-based paint activities courses offered except for any renovator course without hands-on training delivered via electronic learning. The original notification must be received by the director at least 7 business days prior to the start date of any renovator, dust sampling technician, or lead-based paint activities course;

(ii) The training manager must provide the director updated notification when renovator, dust sampling technician, or lead-based paint activities courses will begin on a date other than the start date specified in the original notification, as follows:

(A) For renovator, dust sampling technician, or lead-based paint activities courses beginning prior to the start date provided to the director, an updated notification must be received by the director at least 7 business days before the new start date; and

(B) For renovator, dust sampling technician, or lead-based paint activities courses beginning after the start date provided to the director, an updated notification must be received by the director at least 2 business days before the start date provided to the director;

(iii) The training manager must update the director of any change in location of renovator, dust sampling technician, or lead-based paint activities courses at least 7 business days prior to the start date provided to the director;

(iv) The training manager must update the director regarding any course cancellations, or any other change to the original notification. Updated notifications must be received by the director at least 2 business days prior to the start date provided to the director;

(v) Each notification, including updates, must include the following:

(A) Notification type (original, update, or cancellation);

(B) Training program name, address, and telephone number;

(C) Course discipline, type (initial/refreshers), and the language in which instruction will be given;

(D) Date(s) and time(s) of training;

(E) Training location(s) telephone number, and address;

(F) Principal instructor's name; and

(G) Training manager's name and signature;

(vi) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written notification of renovator, dust sampling technician, or lead-based paint activities course schedules can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(m)(v) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint

Program web site;

(vii) Renovator, dust sampling technician, or lead-based paint activities courses must not begin on a date, or at a location other than that specified in the original notification unless an updated notification identifying a new start date or location is submitted, in which case the course must begin on the new start date and/or location specified in the updated notification; and

(viii) No training program shall provide renovator, dust sampling technician, or lead-based paint activities courses without first notifying the director of such activities in accordance with the requirements of this paragraph.

(n) The training manager must provide notification following completion of renovator, dust sampling technician, or lead-based paint activities courses.

(i) The training manager must provide the director notification after the completion of any renovator, dust sampling technician, or lead-based paint activities course. This notification must be received by the director no later than 10 business days following course completion. Notifications for any e-learning renovator refresher course that does not include hands-on training must be submitted via written notification or electronically using the Utah Division of Air Quality electronic notification system no later than the 10<sup>th</sup> day of the month and include all students trained in the previous month. Written notification for any e-learning renovator refresher course, can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(n)(ii) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site;

(ii) The notification must include the following:

(A) Training program name, address, and telephone number;

(B) Course discipline and type (initial/refresher);

(C) Date(s) of training;

(D) The following information for each student who took the course:

(I) Name,

(II) Address,

(III) Date of birth,

(IV) Course completion certificate number,

(V) Course test score,

(VI) For renovator or dust sampling technician courses, a digital photograph of the student, and

(VII) For renovator refresher courses, the expiration date of the training certificate;

(E) Training manager's name and signature; and

(F) Utah Division of Air Quality Lead-Based Paint Program training verification statement.

(iii) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written notification following renovator, dust sampling technician, or lead-based paint activities training courses can be accomplished by using either the sample form titled "Renovator, Dust Sampling Technician, or Lead-Based Paint Activities Training Course Notification Form" or a similar form containing the information required in paragraph (3)(n)(ii) of this section. All written notifications must be delivered to the director by United States Postal Service, fax, commercial delivery service, hand delivery, or by email. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site.

(4) Minimum training curriculum requirements. A training program accredited by the director to offer lead-based paint courses in the specific disciplines listed in paragraph (4) must ensure that its courses of study include, at a minimum, the following course topics.

(a) Inspector. Instruction in the topics described in paragraphs (4)(a)(iv), (v), (vi), and (vii) of this section must be included in the hands-on portion of the course.

(i) Role and responsibilities of an inspector;

(ii) Background information on lead and its adverse health effects;

(iii) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities;

(iv) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;

(v) Paint, dust, and soil sampling methodologies;

(vi) Clearance standards and testing, including random sampling;

(vii) Preparation of the final inspection report; and

(viii) Recordkeeping.

(b) Risk assessor. Instruction in the topics described in paragraphs (4)(b)(iv), (vi), and (vii) of this section must be included in the hands-on portion of the course.

(i) Role and responsibilities of a risk assessor;

(ii) Collection of background information to perform a risk assessment;

(iii) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food;

(iv) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards;

(v) Lead hazard screen protocol;

(vi) Sampling for other sources of lead exposure;

(vii) Interpretation of lead-based paint and other lead sampling results, including all applicable federal or state guidance or regulations pertaining to lead-based paint hazards;

(viii) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce

lead-based paint hazards; and

(ix) Preparation of a final risk assessment report.

(c) Supervisor. Instruction in the topics described in paragraphs (4)(c)(v), (vii), (viii), (ix), and (x) of this section must be included in the hands-on portion of the course.

(i) Role and responsibilities of a supervisor;

(ii) Background information on lead and its adverse health effects;

(iii) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement;

(iv) Liability and insurance issues relating to lead-based paint abatement;

(v) Risk assessment and inspection report interpretation;

(vi) Development and implementation of an occupant protection plan and abatement report;

(vii) Lead-based paint hazard recognition and control;

(viii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;

(ix) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods;

(x) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods;

(xi) Clearance standards and testing;

(xii) Cleanup and waste disposal; and

(xiii) Recordkeeping.

(d) Project designer.

(i) Role and responsibilities of a project designer;

(ii) Development and implementation of an occupant protection plan for large-scale abatement projects;

(iii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects;

(iv) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects;

(v) Clearance standards and testing for large scale abatement projects; and

(vi) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.

(e) Abatement worker. Instruction in the topics described in paragraphs (4)(e)(iv), (v), (vi), and (vii) of this section must be included in the hands-on portion of the course.

(i) Role and responsibilities of an abatement worker;

(ii) Background information on lead and its adverse health effects;

(iii) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement;

(iv) Lead-based paint hazard recognition and control;

(v) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;

(vi) Interior dust abatement methods/cleanup or lead-based paint hazard reduction; and

(vii) Soil and exterior dust abatement methods or lead-based paint hazard reduction.

(f) Renovator. Instruction in the topics described in paragraphs (4)(f)(iv), (vi), (vii), and (viii) of this section must be included in the hands-on portion of the course.

(i) Role and responsibility of a renovator;

(ii) Background information on lead and its adverse health effects;

(iii) Background information on EPA, HUD, OSHA, and other federal, state, and local regulations and guidance that pertain to lead-based paint and renovation activities;

(iv) Procedures for using acceptable test kits to determine whether paint is lead-based paint;

(v) Procedures for collecting a paint chip sample and sending it to a laboratory recognized by EPA under section 405(b) of

TSCA;

(vi) Renovation methods to minimize the creation of dust and lead-based paint hazards;

(vii) Interior and exterior containment and cleanup methods;

(viii) Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing;

(ix) Waste handling and disposal;

(x) Providing on-the-job training to other workers; and

(xi) Record preparation.

(g) Dust sampling technician. Instruction in the topics described in paragraphs (4)(g)(iv) and (vi) of this section must be included in the hands-on portion of the course.

(i) Role and responsibility of a dust sampling technician;

(ii) Background information on lead and its adverse health effects;

(iii) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint and renovation activities;

(iv) Dust sampling methodologies;

(v) Clearance standards and testing; and

(vi) Report preparation.

(5) Requirements for the accreditation of refresher training programs. A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program accredited by the director to offer refresher training must meet the following

minimum requirements:

(a) Each refresher course shall review the curriculum topics of the full-length courses listed under paragraph (4) of this section, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:

(i) An overview of current safety practices relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline;

(ii) Current laws and regulations relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline; and

(iii) Current technologies relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline;

(b) Refresher courses for inspector, risk assessor, supervisor, and abatement worker must last a minimum of 8 training hours. Refresher courses for project designer, renovator, and dust sampling technician must last a minimum of 4 training hours. Refresher courses for all disciplines except renovator and project designer must include a hands-on component. Renovators must take a refresher course that includes hands-on training at least every other re-certification;

(c) Except for e-learning renovator refresher courses and project designer courses, for all other courses offered, the training program shall conduct a hands-on assessment. With the exception of project designer courses, the training program shall conduct a course test at the completion of the course. Renovators must take a refresher course that includes hands-on training at least every other re-certification;

(d) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding initial training course as described in paragraph (2) of this section. If so, the director shall use the approval procedure described in paragraph (2) of this section. In addition, the minimum requirements contained in paragraphs (3)(a) through (3)(e), (3)(f)(viii), and (3)(g) through (3)(n), and (5)(a) through (5)(c) of this section shall also apply; and

(e) A training program seeking accreditation to offer refresher training courses only shall submit a written application to the director containing the following information:

(i) The refresher training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for accreditation;

(iii) The name and documentation of the qualifications of the training program manager;

(iv) The name(s) and documentation of the qualifications of the principal instructor(s);

(v) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in paragraph (3) of this section, except for the requirements in paragraph (3)(f) of this section. If a training program uses EPA-developed model training materials, the training manager shall include a statement certifying that, as well;

(vi) If the refresher training course materials are not based on EPA-developed model training materials, the training program's application for accreditation shall include:

(A) A copy of the student and instructor manuals to be used for each course; and

(B) A copy of the course agenda for each course;

(vii) All refresher training programs shall include in their application for accreditation the following:

(A) A description of the facilities and equipment to be used for lecture and hands-on training;

(B) A copy of the course test blueprint for each course;

(C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable); and

(D) A copy of the quality control plan as described in paragraph (3)(i) of this section;

(viii) The requirements in paragraphs (3)(a) through (3)(e), (3)(f)(viii) and (3)(g) through (3)(n) of this section apply to refresher training providers; and

(ix) If a refresher training program meets the requirements listed in this paragraph, then the director shall approve the application for accreditation no more than 180 days after receiving a complete application from the refresher training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the director may, at the director's discretion, work with the applicant to address inadequacies in the application for accreditation. The director may also request additional materials retained by the refresher training program under paragraph (8) of this section. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.

(6) Re-accreditation of training programs.

(a) Unless re-accredited, a training program's accreditation, including refresher training accreditation, shall expire 4 years after the date of issuance. If a training program meets the requirements of this section, the training program shall be re-accredited.

(b) A training program seeking re-accreditation shall submit an application to the director no later than 180 days before its accreditation expires. If a training program does not submit its application for re-accreditation by that date, the director cannot guarantee that the program will be re-accredited before the end of the accreditation period.

(c) The training program's application for re-accreditation shall contain:

(i) The training program's name, address, and telephone number;

(ii) A list of courses for which it is applying for re-accreditation;

(iii) The name and qualifications of the training program manager;

(iv) The name(s) and qualifications of the principal instructor(s);

(v) A description of any changes to the training facility, equipment or course materials since its last application was approved that

adversely affects the students' ability to learn;

(vi) A statement signed by the program manager stating:

(A) That the training program complies at all times with all requirements in paragraphs (3) and (5) of this section, as applicable;

and

(B) The recordkeeping and reporting requirements of paragraph (8) of this section shall be followed; and

(vii) A payment of appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(d) Upon request, the training program shall allow the director or the director's authorized representative to audit the training program to verify the contents of the application for re-accreditation as described in paragraph (6)(c) of this section.

(7) Suspension, revocation, and modification of accredited training programs.

(a) The director may, after notice and an opportunity, for hearing, suspend, revoke, or modify training program accreditation, including refresher training accreditation, if a training program, training manager, or other person with supervisory authority over the training program has:

(i) Misrepresented the contents of a training course to the director and/or the student population;

(ii) Failed to submit required information or notifications in a timely manner;

(iii) Failed to maintain required records;

(iv) Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation;

(v) Failed to comply with the training standards and requirements in this section;

(vi) Failed to comply with federal, state, or local lead-based paint statutes or regulations; or

(vii) Made false or misleading statements to the director in its application for accreditation or re-accreditation which the director relied upon in approving the application.

(b) In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or regulations.

(8) Training program recordkeeping requirements.

(a) Accredited training programs shall maintain, and make available to the director or the director's authorized representative, upon request, the following records:

(i) All documents specified in paragraph (3)(d) of this section that demonstrate the qualifications listed in paragraphs (3)(a) and (3)(b) of this section of the training manager and principal instructors;

(ii) Current curriculum/course materials and documents reflecting any changes made to these materials;

(iii) The course test blueprint;

(iv) Information regarding how the hands-on assessment is conducted including, but not limited to:

(A) Who conducts the assessment;

(B) How the skills are graded;

(C) What facilities are used; and

(D) The pass/fail rate;

(v) The quality control plan as described in paragraph (3)(i) of this section;

(vi) Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate;

(vii) Any other material not listed in paragraphs (8)(a)(i) through (8)(a)(vi) of this section that was submitted to the director as part of the program's application for accreditation.

(viii) For renovator refresher and dust sampling technician refresher courses, a copy of each trainee's prior course completion certificate showing that each trainee was eligible to take the refresher course; and

(ix) For course modules delivered in an electronic format, a record of each student's log-ins, launches, progress, and completion, and a copy of the electronic learning completion certificate for each student.

(b) The training program must retain records pertaining to renovator, dust sampling technician and lead-based paint activities courses at the address specified on the training program accreditation application (or as modified in accordance with paragraph (8)(c) of this section) for the following minimum periods:

(i) Records pertaining to lead-based paint activities courses must be retained for a minimum of 3 years and 6 months;

(ii) Records pertaining to renovator or dust sampling technician courses offered must be retained for a minimum of 5 years and 6 months.

(c) The training program shall notify the director in writing within 30 days of changing the address specified on its training program accreditation application or transferring the records from that address.

(9) Amendment of accreditation.

(a) A training program must amend its accreditation within 90 days of the date a change occurs to information included in the program's most recent application. If the training program fails to amend its accreditation within 90 days of the date the change occurs, the program may not provide renovator, dust sampling technician, or lead-based paint activities training until its accreditation is amended.

(b) To amend an accreditation, a training program must submit a completed Division of Air Quality Lead-Based Paint Application for Course Accreditation, signed by an authorized agent of the training provider, noting on the form that it is submitted as an amendment and indicating the information that has changed.

(c) Training managers, principal instructors, permanent training locations. If the amendment includes a new training program manager, any new or additional principal instructor(s), or any new permanent training location(s), the training provider is not permitted to provide training under the new training manager or offer courses taught by any new principal instructor(s) or at the new training location(s) until the director either approves the amendment or 30 days have elapsed, whichever occurs earlier. Except:

(i) If the amendment includes a new training program manager or new or additional principal instructor that was identified in a training provider accreditation application that the director has already approved under this section, the training provider may begin to provide training under the new training manager or offer courses taught by the new principal instructor on an interim basis as soon as the provider submits the amendment to the director. The training provider may continue to provide training under the new training manager or offer courses taught by the new principal instructor if the director approves the amendment or if the director does not disapprove the amendment within 30 days.

(ii) If the amendment includes a new permanent training location, the training provider may begin to provide training at the new permanent training location on an interim basis as soon as the provider submits the amendment to the director. The training provider may continue to provide training at the new permanent training location if the director approves the amendment or if the director does not disapprove the amendment within 30 days.

**R307-842-2. Certification of Individuals and Firms Engaged in Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities.**

(1) Certification of individuals.

(a) Individuals seeking certification by the director to engage in lead-based paint activities must either:

(i) Submit to the director an application demonstrating that they meet the requirements established in paragraphs (2) or (3) of this section for the particular discipline for which certification is sought; or

(ii) Submit to the director an application with a copy of a valid lead-based paint activities certification (or equivalent) from the EPA or a state or tribal program that has been authorized by EPA pursuant to subpart Q of 40 CFR 745; or

(iii) For supervisor, inspector, and/or risk assessor certification, submit to the director an application with a copy of a valid lead-based paint training certificate from an EPA-accredited, or EPA-authorized state or tribal-accredited lead-specific training in the appropriate discipline and pass the certification exam in the appropriate discipline offered by the director.

(b) Following the submission of an application demonstrating that all the requirements of this section have been met, the director shall certify an applicant as an inspector, risk assessor, supervisor, project designer, or abatement worker, as appropriate.

(c) Upon receiving director certification, individuals conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as established in R307-842-3.

(d) It shall be a violation of state administrative rules for an individual to conduct any of the lead-based paint activities described in R307-842-3 if that individual has not been certified by the director pursuant to this section to do so.

(e) Individuals applying for certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(2) Inspector, risk assessor or supervisor.

(a) To become certified by the director as an inspector, risk assessor, or supervisor, pursuant to paragraph (1)(a)(i) of this section, an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program;

(ii) Pass the certification exam in the appropriate discipline offered by the director; and

(iii) Meet or exceed the following experience and/or education requirements:

(A) Inspectors. No additional experience and/or education requirements;

(B) Risk assessors.

(I) Successful completion of an accredited initial training course for inspectors; and

(II) Bachelor's degree and 1 year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction), or an Associates degree and 2 years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(III) Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist); or

(IV) A high school diploma (or equivalent), and at least 3 years of experience in a related field (e.g., lead, asbestos, environmental remediation work or construction);

(C) Supervisor.

(I) One year of experience as a certified lead-based paint abatement worker; or

(II) At least 2 years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.

(b) The following documents shall be recognized by the director as evidence of meeting the requirements listed in (2)(b)(iii) of this paragraph:

(i) Official academic transcripts or diploma, as evidence of meeting the education requirements;

(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

(iii) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(c) In order to take the certification examination for a particular discipline an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program; and

(ii) Meet or exceed the education and/or experience requirements in paragraph (2)(a)(iii) of this section.

(d) The initial training course completion certificate shall serve as interim certification for an individual until the next available opportunity to take the certification exam. Such interim certification shall expire 6 months after issuance.

(e) After passing the appropriate certification exam and submitting an application demonstrating that he/she meets the appropriate training, education, and/or experience prerequisites described in paragraph (2)(a) of this section, an individual shall be issued a certificate by the director. To maintain certification, an individual must be re-certified as described in paragraph (4) of this section.

(f) An individual may take the certification exam no more than three times within 6 months of receiving an initial training course completion certificate.

(g) If an individual does not pass the certification exam and receive a certificate within 6 months of receiving his/her initial training course completion certificate, the individual must retake the appropriate initial training course from an accredited training program before reapplying for certification from the director.

(3) Abatement worker and project designer.

(a) To become certified by the director as an abatement worker or project designer, pursuant to paragraph (1)(a)(i) of this section, an individual must:

(i) Successfully complete an accredited initial training course in the appropriate discipline and receive a course completion certificate from an accredited training program; and

(ii) Meet or exceed the following additional experience and/or education requirements:

(A) Abatement workers. No additional experience and/or education requirements; and

(B) Project designers.

(I) Successful completion of an accredited initial training course for supervisors;

(II) Bachelor's degree in engineering, architecture, or a related profession, and 1 year of experience in building construction and design or a related field; or

(III) Four years of experience in building construction and design or a related field.

(b) The following documents shall be recognized by the director as evidence of meeting the requirements listed in this paragraph:

(i) Official academic transcripts or diploma, as evidence of meeting the education requirements;

(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

(iii) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(c) The initial training course completion certificate shall serve as an interim certification until certification from the director is received, but shall be valid for no more than 6 months from the date of completion.

(d) After successfully completing the appropriate initial training courses and meeting any other qualifications described in paragraph (3)(a) of this section, an individual shall be issued a certificate from the director. To maintain certification, an individual must be re-certified as described in paragraph (4) of this section.

(4) Re-certification.

(a) To maintain certification in a particular discipline, a certified individual shall apply to and be re-certified by the director in that discipline by the director either:

(i) Every 3 years if the individual completed a training course with a course test and hands-on assessment; or

(ii) Every 5 years if the individual completed a training course with a proficiency test.

(b) An individual shall be re-certified if the individual successfully completes the appropriate accredited refresher training course and submits a valid copy of the appropriate refresher training course completion certificate. For the supervisor, inspector, or risk assessor disciplines, if more than 3 years but less than 4 years have passed since certification or re-certification for an individual that completed an initial or a refresher training course with a course test and hands-on assessment, or if more than 5 years but less than 6 years have passed since certification or re-certification for an individual that completed an initial or a refresher training course with a proficiency test, then the individual must also pass the certification exam in the appropriate discipline offered by the director. During the time period when the individual is not certified by the director, that individual cannot perform any regulated work activities that requires individual certification.

(c) Individuals applying for re-certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(5) Certification of firms.

(a) All firms which perform or offer to perform any of the lead-based paint activities or renovations described in R307-842-3 shall be certified by the director.

(b) A firm seeking certification shall submit to the director a letter attesting that the firm shall only employ appropriately certified employees to conduct lead-based paint activities, and that the firm and its employees shall follow the work practice standards in R307-842-3 for conducting lead-based paint activities.

(c) From the date of receiving the firm's letter requesting certification, the director shall have 90 days to approve or disapprove the firm's request for certification. Within that time, the director shall respond with either a certificate of approval or a letter describing the reasons for disapproval.

(d) The firm shall maintain all records pursuant to the requirements in R307-842-3.

(e) Firms may apply to the director for certification to engage in lead-based paint activities pursuant to this section.

(f) Firms applying for certification or re-certification must submit the appropriate fees in accordance with the current Department of Environmental Quality Fee Schedule.

(6) Suspension, revocation, and modification of certifications of individuals engaged in lead-based paint activities.

(a) The director may, after notice and opportunity for hearing, suspend, revoke, or modify an individual's certification if an

individual has:

- (i) Obtained training documentation through fraudulent means;
  - (ii) Gained admission to and completed an accredited training program through misrepresentation of admission requirements;
  - (iii) Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience;
  - (iv) Performed work requiring certification at a job site without having proof of certification;
  - (v) Permitted the duplication or use of the individual's own certificate by another;
  - (vi) Performed work for which certification is required, but for which appropriate certification has not been received;
  - (vii) Failed to comply with the appropriate work practice standards for lead-based paint activities at R307-842-3; or
  - (viii) Failed to comply with federal, state, or local lead-based paint statutes or regulations.
- (b) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.
- (7) Suspension, revocation, and modification of certifications of firms engaged in lead-based paint activities.
- (a) The director may, after notice and opportunity for hearing, suspend, revoke, or modify a firm's certification if a firm has:
- (i) Performed work requiring certification at a job site with individuals who are not certified;
  - (ii) Failed to comply with the work practice standards established in R307-842-3;
  - (iii) Misrepresented facts in its letter of application for certification to the director;
  - (iv) Failed to maintain required records; or
  - (v) Failed to comply with federal, state, or local lead-based paint statutes or regulations.
- (b) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

**R307-842-3. Work Practice Standards for Conducting Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities.**

- (1) Effective date, applicability, and terms.
  - (a) All lead-based paint activities shall be performed pursuant to the work practice standards contained in this section.
  - (b) When performing any lead-based paint activity described by the certified individual as an inspection, lead-hazard screen, risk assessment, or abatement, a certified individual must perform that activity in compliance with the appropriate requirements below.
  - (c) Documented methodologies that are appropriate for this section are found in the following: the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil, the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001), and other equivalent methods and guidelines.
  - (d) Clearance levels are appropriate for the purposes of this section may be found in the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead Contaminated Soil or other equivalent guidelines.
- (2) Inspection.
  - (a) An inspection shall be conducted only by a person certified by the director as an inspector or risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.
  - (b) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:
    - (i) In a residential dwelling and child-occupied facility, each component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and
    - (ii) In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.
  - (c) Paint shall be sampled in the following manner:
    - (i) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
    - (ii) All collected paint chip samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
  - (d) The certified inspector or risk assessor shall prepare an inspection report which shall include the following information:
    - (i) Date of each inspection;
    - (ii) Address of building;
    - (iii) Date of construction;
    - (iv) Apartment numbers (if applicable);
    - (v) Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
    - (vi) Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing;
    - (vii) Name, address, and telephone number of the certified firm employing each inspector and/or risk assessor, if applicable;
    - (viii) Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device;
    - (ix) Specific locations of each painted component tested for the presence of lead-based paint; and
    - (x) The results of the inspection expressed in terms appropriate to the sampling method used.
- (3) Lead hazard screen.

- (a) A lead hazard screen shall be conducted only by a person certified by the director as a risk assessor.
- (b) If conducted, a lead hazard screen shall be conducted as follows:
  - (i) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected;
  - (ii) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:
    - (A) Determine if any deteriorated paint is present; and
    - (B) Locate at least two dust sampling locations;
  - (iii) If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead;
  - (iv) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or stairwells where one or more children, age 6 and under, are most likely to come in contact with dust; and
  - (v) In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph (3)(b)(iv) of this section, the risk assessor shall also collect composite dust samples from common areas where one or more children, age 6 and under, are most likely to come into contact with dust.
- (c) Dust samples shall be collected and analyzed in the following manner:
  - (i) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures; and
  - (ii) All collected dust samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
- (d) Paint shall be sampled in the following manner:
  - (i) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
  - (ii) All collected paint chip samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
- (e) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:
  - (i) The information required in a risk assessment report as specified in paragraph (4) of this section, including paragraphs (4)(k)(i) through (4)(k)(xiv), and excluding paragraphs (4)(k)(xv) through (4)(k)(xviii) of this section. Additionally, any background information collected pursuant to paragraph (3)(b)(i) of this section shall be included in the lead hazard screen report; and
  - (ii) Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.
- (4) Risk assessment.
  - (a) A risk assessment shall be conducted only by a person certified by the director as a risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.
  - (b) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.
  - (c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.
  - (d) The following surfaces which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:
    - (i) Each friction surface or impact surface with visibly deteriorated paint; and
    - (ii) All other surfaces with visibly deteriorated paint.
  - (e) In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in all living areas where one or more children, age 6 and under, are most likely to come into contact with dust.
  - (f) For multi-family dwellings and child-occupied facilities, the samples required in paragraph (4)(d) of this section shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:
    - (i) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
    - (ii) Other common areas in the building where the risk assessor determines that one or more children, age 6 and under, are likely to come into contact with dust.
  - (g) For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway, or stairwell utilized by one or more children, age 6 and under, and in other common areas in the child-occupied facility where one or more children, age 6 and under, are likely to come into contact with dust.
  - (h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:
    - (i) Exterior play areas where bare soil is present;
    - (ii) The rest of the yard (i.e., non-play areas) where bare soil is present; and
    - (iii) Dripline/foundation areas where bare soil is present.
  - (i) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.
  - (j) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph (6) of this section to determine if they contain detectable levels of lead that can be quantified numerically.
  - (k) The certified risk assessor shall prepare a risk assessment report which shall include the following information:
    - (i) Date of assessment;
    - (ii) Address of each building;

- (iii) Date of construction of buildings;
  - (iv) Apartment number (if applicable);
  - (v) Name, address, and telephone number of each owner of each building;
  - (vi) Name, signature, and certification number of the certified risk assessor conducting the assessment;
  - (vii) Name, address, and telephone number of the certified firm employing each certified risk assessor if applicable;
  - (viii) Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples;
  - (ix) Results of the visual inspection;
  - (x) Testing method and sampling procedure for paint analysis employed;
  - (xi) Specific locations of each painted component tested for the presence of lead;
  - (xii) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
  - (xiii) All results of laboratory analysis on collected paint, soil, and dust samples;
  - (xiv) Any other sampling results;
  - (xv) Any background information collected pursuant to paragraph (4)(c) of this section;
  - (xvi) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards;
  - (xvii) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards;
- and
- (xviii) A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(5) Abatement.

- (a) An abatement shall be conducted only by an individual certified by the director, and if conducted, shall be conducted according to the procedures in this paragraph.
- (b) A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in no more than 2 hours.
- (c) The certified supervisor and the certified firm employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of this section and all other federal, state, and local requirements.
- (d) A certified firm must notify the director of lead-based paint abatement activities as follows:
  - (i) Except as provided in paragraph (5)(d)(ii) of this section, the director must be notified prior to conducting lead-based paint abatement activities. The original notification must be received by the director at least 5 business days before the start date of any lead-based paint abatement activities;
  - (ii) Notification for lead-based paint abatement activities required in response to an elevated blood lead level (EBL) determination, or federal, state, tribal, or local emergency abatement order should be received by the director as early as possible before, but must be received no later than the start date of the lead-based paint abatement activities. Should the start date and/or location provided to the director change, an updated notification must be received by the director on or before the start date provided to the director. Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order must be included in the written notification to take advantage of this abbreviated notification period;
  - (iii) Except as provided in paragraph (5)(d)(ii) of this section, updated notification must be provided to the director for lead-based paint abatement activities that will begin on a date other than the start date specified in the original notification, as follows:
    - (A) For lead-based paint abatement activities beginning prior to the start date provided to the director an updated notification must be received by the director at least 5 business days before the new start date included in the notification; and
    - (B) For lead-based paint abatement activities beginning after the start date provided to the director an updated notification must be received by the director on or before the start date provided to the director;
  - (iv) Except as provided in paragraph (5)(d)(ii) of this section, updated notification must be provided to the director for any change in location of lead-based paint abatement activities at least 5 business days prior to the start date provided to the director;
  - (v) Updated notification must be provided to the director when lead-based paint abatement activities are canceled, or when there are other significant changes including, but not limited to, when the square footage or acreage to be abated changes by more than 20%. This updated notification must be received by the director on or before the start date provided to the director, or if work has already begun, within 24 hours of the change;
  - (vi) The following must be included in each notification:
    - (A) Notification type (original, updated, or cancellation);
    - (B) Date when lead-based paint abatement activities will start;
    - (C) Date when lead-based paint abatement activities will end (approximation using best professional judgment);
    - (D) Firm's name, Utah lead-based paint firm certification number, address, and telephone number;
    - (E) Type of building (e.g., single family dwelling, multi-family dwelling, and/or child-occupied facilities) on/in which abatement work will be performed;
    - (F) Property name (if applicable);
    - (G) Property address including apartment or unit number(s) (if applicable) for abatement work;
    - (H) Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order, if using the abbreviated time period as described in paragraph (5)(d)(ii) of this section;
    - (I) Name and Utah lead-based paint individual certification number of the project supervisor;

- (J) Approximate square footage/acreage to be abated;
- (K) Brief description of abatement activities to be performed; and
- (L) Name, title, and signature of the representative of the certified firm who prepared the notification;

(vii) Notification must be accomplished using any of the following methods: Written notification, or electronically using the Utah Division of Air Quality electronic notification system. Written notification can be accomplished using either the sample form titled "Lead-Based Paint Abatement Project Notification" or similar form containing the information required in paragraph (5)(d)(vi) of this section. All written notifications must be delivered by United States Postal Service, fax, commercial delivery service, hand delivery, or by email on or before the applicable date. Instructions and sample forms can be obtained from the Utah Division of Air Quality Lead-Based Paint Program web site;

(viii) Lead-based paint abatement activities shall not begin on a date, or at a location other than that specified in either an original or updated notification, in the event of changes to the original notification; and

(ix) No firm or individual shall engage in lead-based paint abatement activities, as defined in R307-840-2, prior to notifying the director of such activities according to the requirements of this paragraph.

(e) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

(i) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards; and

(ii) A certified supervisor or project designer shall prepare the occupant protection plan.

(f) Containing the work area. Before beginning the abatement activity, the firm must isolate the work area so that no dust or debris leaves the work area while the abatement is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the abatement is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

(i) Interior abatement. The firm must:

(A) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;

(B) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;

(C) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material and sealed with duct tape or equivalent. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;

(D) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing abatement or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling, and walls; and

(E) Use precautions to ensure that all personnel, tools, and other items, including the exterior of containers of waste, are free of dust and debris before leaving the work area.

(ii) Exterior abatement. The firm must:

(A) Close all doors and windows within 20 feet of the abatement. On multi-story buildings, close all doors and windows within 20 feet of the abatement on the same floor as the abatement, and close all doors and windows on all floors below that are the same horizontal distance from the abatement;

(B) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;

(C) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing abatement or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system; and

(D) If the abatement will affect surfaces within 10 feet of the property line, the lead-based paint firm must erect vertical containment or equivalent precautions in containing the work area to ensure that dust and debris from the abatement does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

(f)g) The work practices listed below shall be restricted during an abatement as follows:

(i) Open-flame burning or torching of lead-based paint is prohibited;

(ii) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control which removes particles of 0.3 microns or larger from the air at 99.97% or greater efficiency;

(iii) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than 2 square feet in any one room, hallway, or stairwell or totaling no more than 20 square feet on exterior surfaces; and

(iv) Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.

(h) Waste from abatement.

(i) Waste from the abatement activity must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

(ii) At the conclusion of each work day and at the conclusion of the abatement, waste that has been collected from the abatement must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

(iii) When the firm transports waste from the abatement, the firm must contain the waste to prevent release of dust and debris.

~~(g)~~ (i) If conducted, soil abatement shall be conducted in one of the following ways:

(i) If the soil is removed:

(A) The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 400 ppm; and

(B) The soil that is removed shall not be used as top soil at another residential property or child-occupied facility; or

(ii) If soil is not removed, the soil shall be permanently covered, as defined in R307-840-2.

~~(h)~~ (j) The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor:

(i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris, or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures;

(ii) Following the visual inspection and any post-abatement cleanup required by paragraph (5)(h)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques;

(iii) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures;

(iv) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities;

(v) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled;

(B) After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are less than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled; and

(C) Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements;

(vi) The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies;

(vii) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with clearance levels in paragraph (5)(h)(viii) of this section for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested; and

(viii) The clearance levels for lead in dust are ~~40~~10 ug/ft<sup>2</sup> for floors, ~~250~~100 ug/ft<sup>2</sup> for interior window sills, and 400 ug/ft<sup>2</sup> for window troughs.

(ix) Occupants of the home shall not be allowed into the abatement work area until clearance dust sample results are received by the inspector or risk assessor and are found to be acceptable according to dust-lead clearance level standards.

~~(i)~~ (k) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

(i) The certified individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample;

(ii) A sufficient number of residential dwellings are selected for dust sampling to provide a 95% level of confidence that no more than 5% or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels; and

(iii) The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in paragraph (5)(h) of this section.

~~(k)~~ (l) An abatement report shall be prepared by a certified supervisor or project designer no later than 30 business days after

receiving the results of final clearance testing and all soil analyses (if applicable). The abatement report shall include the following information:

- (i) Start and completion dates of abatement;
  - (ii) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project;
  - (iii) The occupant protection plan prepared pursuant to paragraph (5)(e) of this section;
  - (iv) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing;
  - (v) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses; and
  - (vi) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.
- (6) Collection and laboratory analysis of samples. Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:
- (a) Collected by persons certified by the director as an inspector or risk assessor; and
  - (b) Analyzed by a laboratory recognized by EPA pursuant to Section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.
- (7) Composite dust sampling. Composite dust sampling may only be conducted in the situations specified in paragraphs (3) through (5) of this section. If such sampling is conducted, the following conditions shall apply:
- (a) Composite dust samples shall consist of at least two subsamples;
  - (b) Every component that is being tested shall be included in the sampling; and
  - (c) Composite dust samples shall not consist of subsamples from more than one type of component.
- (8) Determinations.
- (a) Lead-based paint is present:
    - (i) On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and
    - (ii) On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.
  - (b) A paint-lead hazard is present:
    - (i) On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified in the definition of "Dust-lead hazard" in R307-840-2;
    - (ii) On any chewable lead-based paint surface on which there is evidence of teeth marks;
    - (iii) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and
    - (iv) If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.
  - (c) A dust-lead hazard is present in a residential dwelling or child-occupied facility:
    - (i) In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than ~~[40]~~10 ug/ft<sup>2</sup> for floors and ~~[250]~~100 ug/ft<sup>2</sup> for interior window sills, respectively;
    - (ii) On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and
    - (iii) On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.
  - (d) A soil-lead hazard is present:
    - (i) In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than 400 parts per million; or
    - (ii) In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than 1,200 parts per million.
- (9) Recordkeeping. All reports or plans required in this section shall be maintained by the certified firm or individual who prepared the report for no fewer than 3 years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services.

#### **R307-842-4. Lead-Based Paint Activities Requirements.**

Lead-based paint activities, as defined in R307-840-2, shall only be conducted according to the procedures and work practice standards contained in R307-842-3 of this rule. No individual or firm may offer to perform or perform any lead-based paint activity as defined in R307-840-2, unless certified to perform that activity according to the procedures in R307-842-2.

#### **R307-842-5. Work Practice Requirements for Lead-Based Paint Hazards.**

Applicable certification, occupant protection, and clearance requirements and work practice standards are found in R307-842 and in regulations issued by HUD at 24 CFR Part 35, Subpart R. The work practice standards in those regulations do not apply when treating paint-lead hazards of less than:

- (a) Two square feet of deteriorated lead-based paint per room or equivalent,
- (b) Twenty square feet of deteriorated paint on the exterior building, or
- (c) Ten percent of the total surface area of deteriorated paint on an interior or exterior type of component with a small surface area.

**KEY: paint, lead-based paint, lead-based paint abatement**

**Date of Enactment or Last Substantive Amendment: May 9, 2017**

**Notice of Continuation: December 9, 2019**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

# ITEM 5

# Air Toxics



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF AIR QUALITY  
Bryce C. Bird  
Director

DAQA-215-21

MEMORANDUM

**TO:** Air Quality Board

**FROM:** Bryce C. Bird, Executive Secretary

**DATE:** May 5, 2021

**SUBJECT:** Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – April 2021

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Asbestos Demolition/Renovation NESHAP Inspections	11
Asbestos AHERA Inspections	10
Asbestos State Rules Only Inspections	1
Asbestos Notification Forms Accepted	221
Asbestos Telephone Calls	470
Asbestos Individuals Certifications Approved	75
Asbestos Company Certifications/Re-Certifications	5/7
Asbestos Alternate Work Practices Approved	12
Lead-Based Paint (LBP) Inspections	3
LBP Notification Forms Approved	0
LBP Telephone Calls	56
LBP Letters Prepared and Mailed	2
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	37

LBP Firm Certifications	11
Notices of Violation Sent	0
Compliance Advisories Sent	7
Warning Letters Sent	4
Settlement Agreements Finalized	3
Penalties Agreed to:	
TID, Inc / Sean Connole	\$ 800.00
BCW Management, LLC	\$13,185.25
Madsen Excavation, LLC	<u>\$ 1,357.50</u>
	\$15,342.75

# Compliance



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF AIR QUALITY  
Bryce C. Bird  
Director

DAQC-690-21

MEMORANDUM

**TO:** Jay Morris, Compliance Branch Manager  
**FROM:** Rik Ombach, Minor Source Compliance Manager  
**DATE:** May 20, 2021  
**SUBJECT:** Compliance Activities – April 2021

Annual Inspections Conducted:

Major..... 6  
Synthetic Minor..... 2  
Minor..... 72

On-Site Stack Test Audits Conducted: ..... 2

Stack Test Report Reviews: ..... 29

On-Site CEM Audits Conducted:..... 12

Emission Reports Reviewed: ..... 4

Temporary Relocation Requests Reviewed & Approved: ..... 5

Fugitive Dust Control Plans Reviewed & Accepted:..... 176

Burn Permits Issued: ..... 36

Soil Remediation Report Reviews: ..... 0

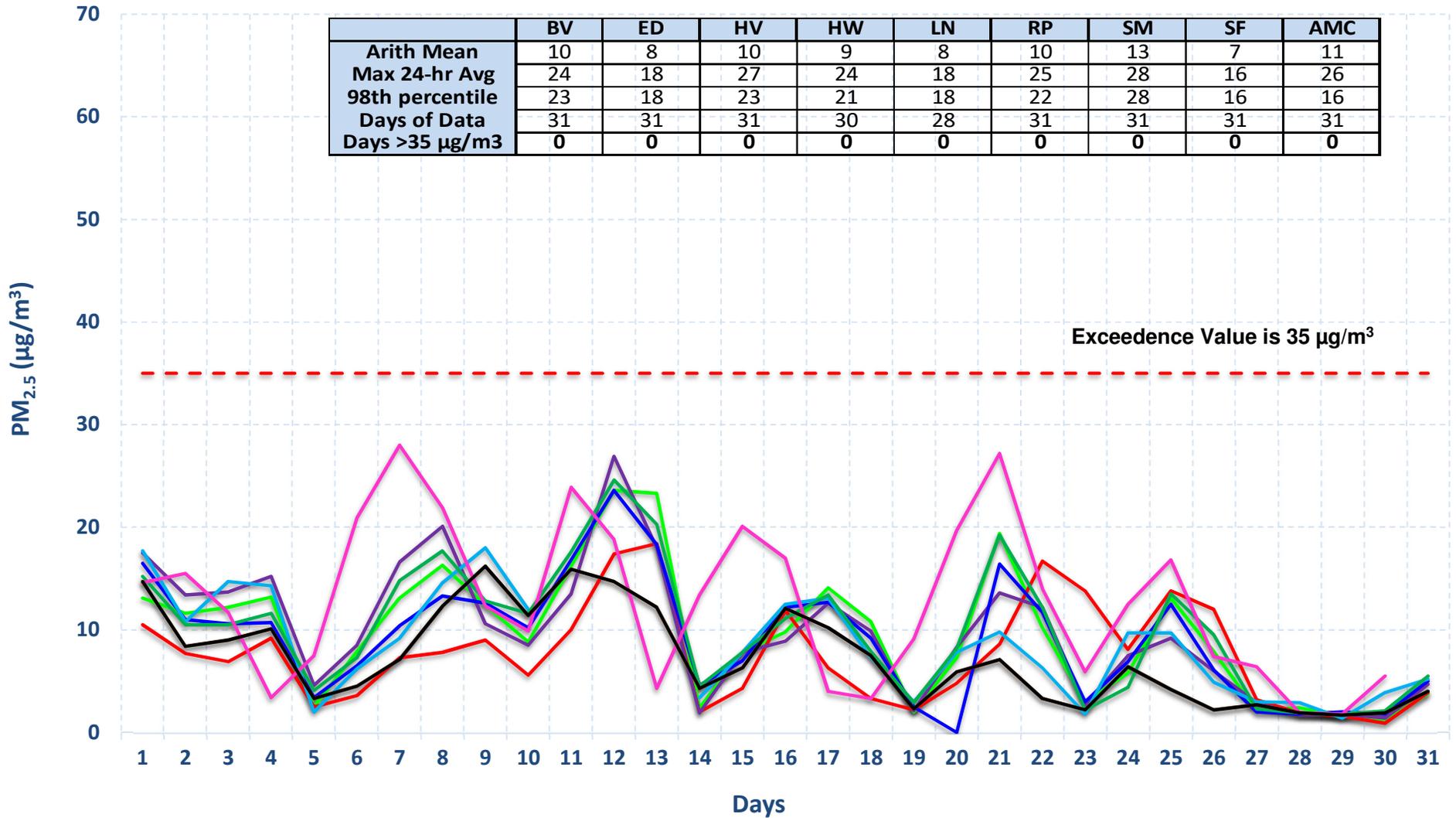
<sup>1</sup> Miscellaneous Inspections Conducted:.....	62
Complaints Received: .....	4
Breakdown Reports Received: .....	0
Compliance Actions Resulting from a Breakdown:.....	0
Warning Letters Issued: .....	1
Notices of Violation Issued:.....	0
Unresolved Notices of Violation:	
US Magnesium.....	08/27/2015
US Magnesium.....	03/02/2018
Citation Oil and Gas (2).....	01/08/2020
Reaction Cargo.....	01/09/2020
EP Energy .....	03/20/2020
Ovintiv Production.....	07/14/2020
Crescent Point .....	07/24/2020
Finley Resources .....	07/24/2020
Compliance Advisories Issued:.....	5
No Further Action Letters Issued:.....	1
Settlement Agreements Reached: .....	1
Comfort Research LLC.....	\$6,240.00

<sup>1</sup>Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

# Air Monitoring

## Utah 24-Hr PM<sub>2.5</sub> Data January 2021

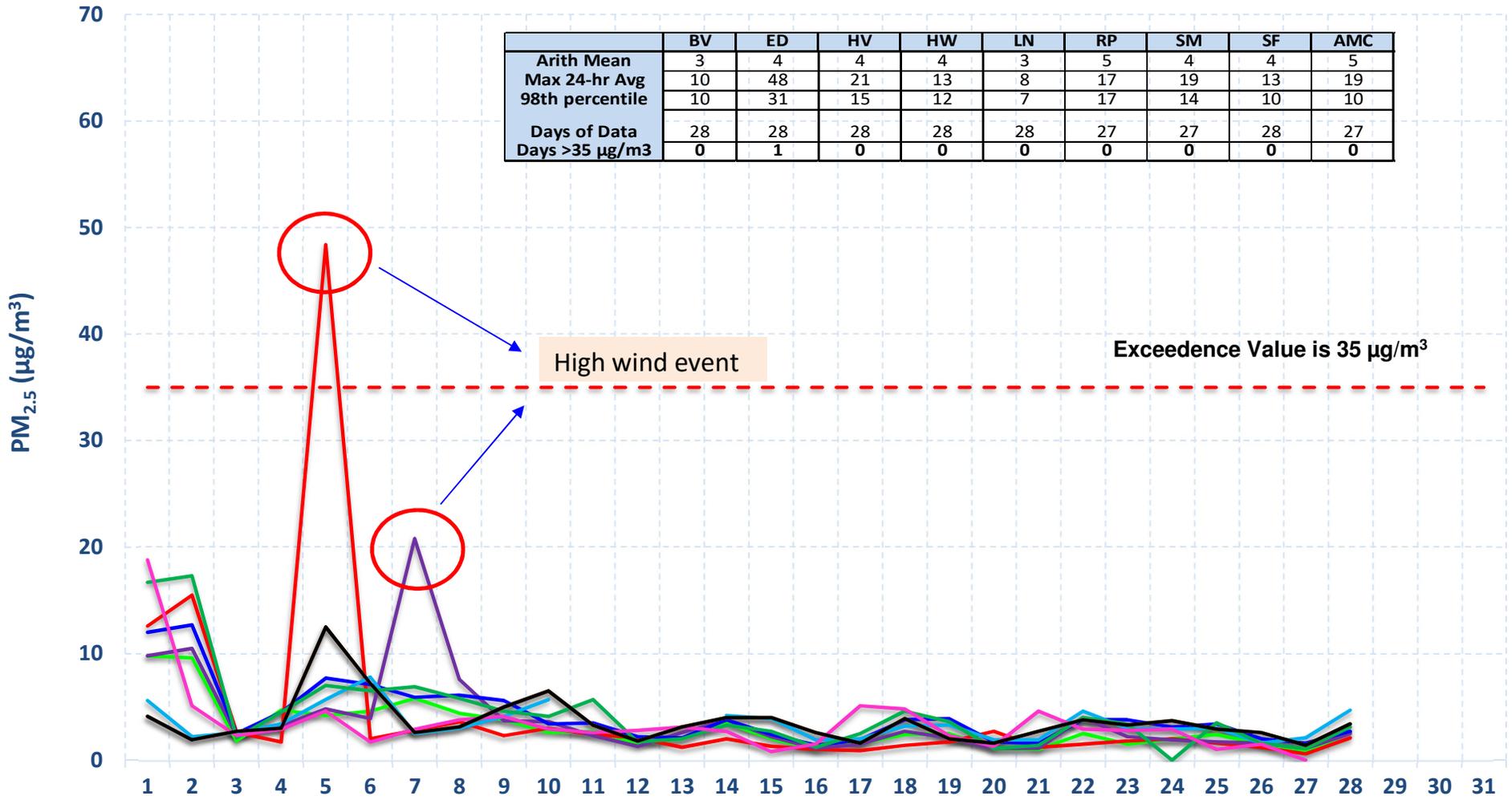
	BV	ED	HV	HW	LN	RP	SM	SF	AMC
Arith Mean	10	8	10	9	8	10	13	7	11
Max 24-hr Avg	24	18	27	24	18	25	28	16	26
98th percentile	23	18	23	21	18	22	28	16	16
Days of Data	31	31	31	30	28	31	31	31	31
Days >35 µg/m <sup>3</sup>	0	0	0	0	0	0	0	0	0



- Bountiful
- Erda
- Harrisville
- Hawthorne
- Lindon
- Rose Park
- Smithfield
- Spanish Fork
- AMC
- - - 24-hr Exceedance Value is 35 µg/m<sup>3</sup>

## Utah 24-Hr PM<sub>2.5</sub> Data February 2021

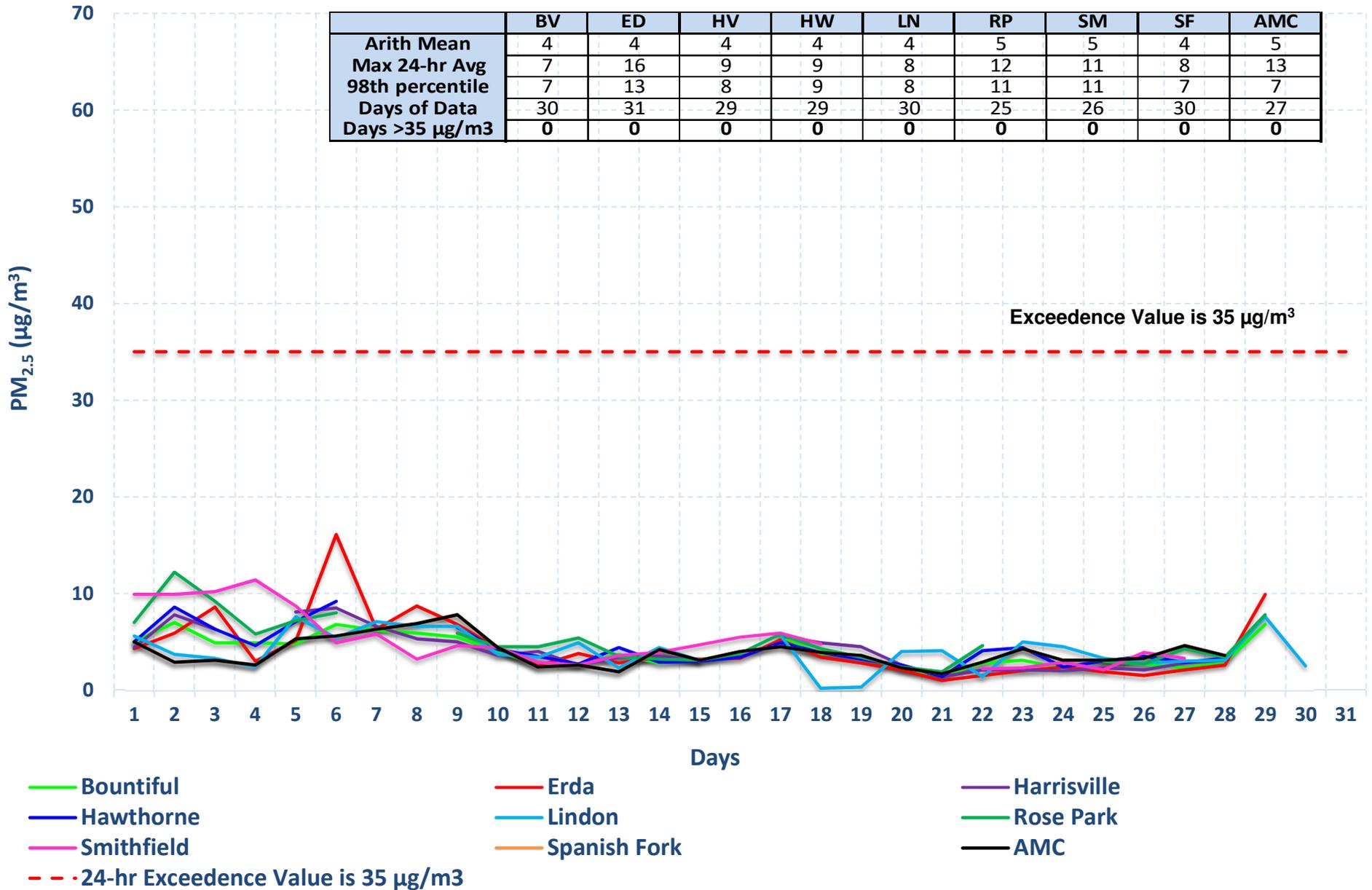
	BV	ED	HV	HW	LN	RP	SM	SF	AMC
Arith Mean	3	4	4	4	3	5	4	4	5
Max 24-hr Avg	10	48	21	13	8	17	19	13	19
98th percentile	10	31	15	12	7	17	14	10	10
Days of Data	28	28	28	28	28	27	27	28	27
Days >35 µg/m <sup>3</sup>	0	1	0	0	0	0	0	0	0



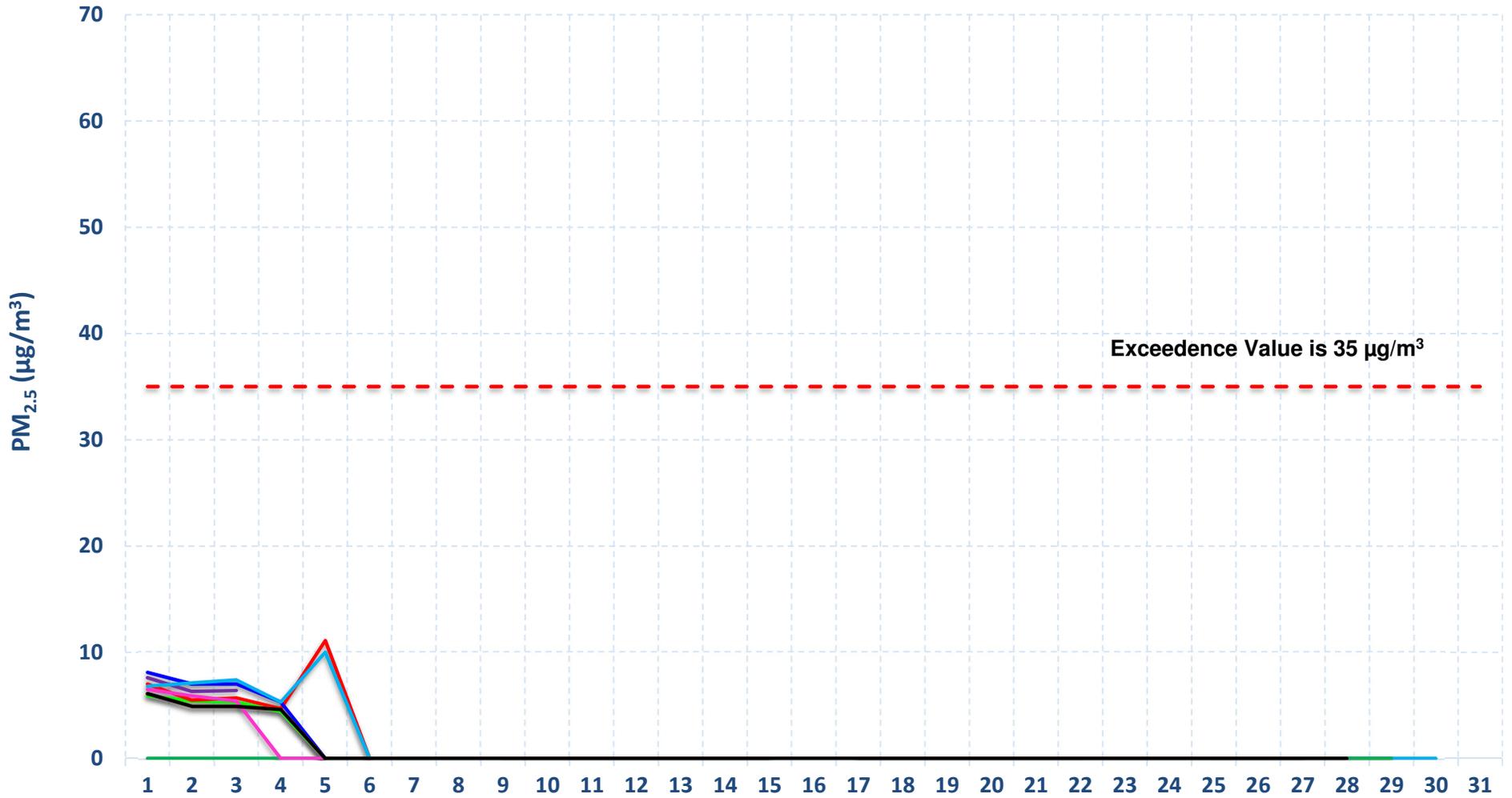
- Bountiful
- Erda
- Harrisville
- Hawthorne
- Lindon
- Rose Park
- Smithfield
- Spanish Fork
- AMC
- - - 24-hr Exceedance Value is 35 µg/m<sup>3</sup>

## Utah 24-Hr PM<sub>2.5</sub> Data March 2021

	BV	ED	HV	HW	LN	RP	SM	SF	AMC
Arith Mean	4	4	4	4	4	5	5	4	5
Max 24-hr Avg	7	16	9	9	8	12	11	8	13
98th percentile	7	13	8	9	8	11	11	7	7
Days of Data	30	31	29	29	30	25	26	30	27
Days >35 µg/m <sup>3</sup>	0	0	0	0	0	0	0	0	0



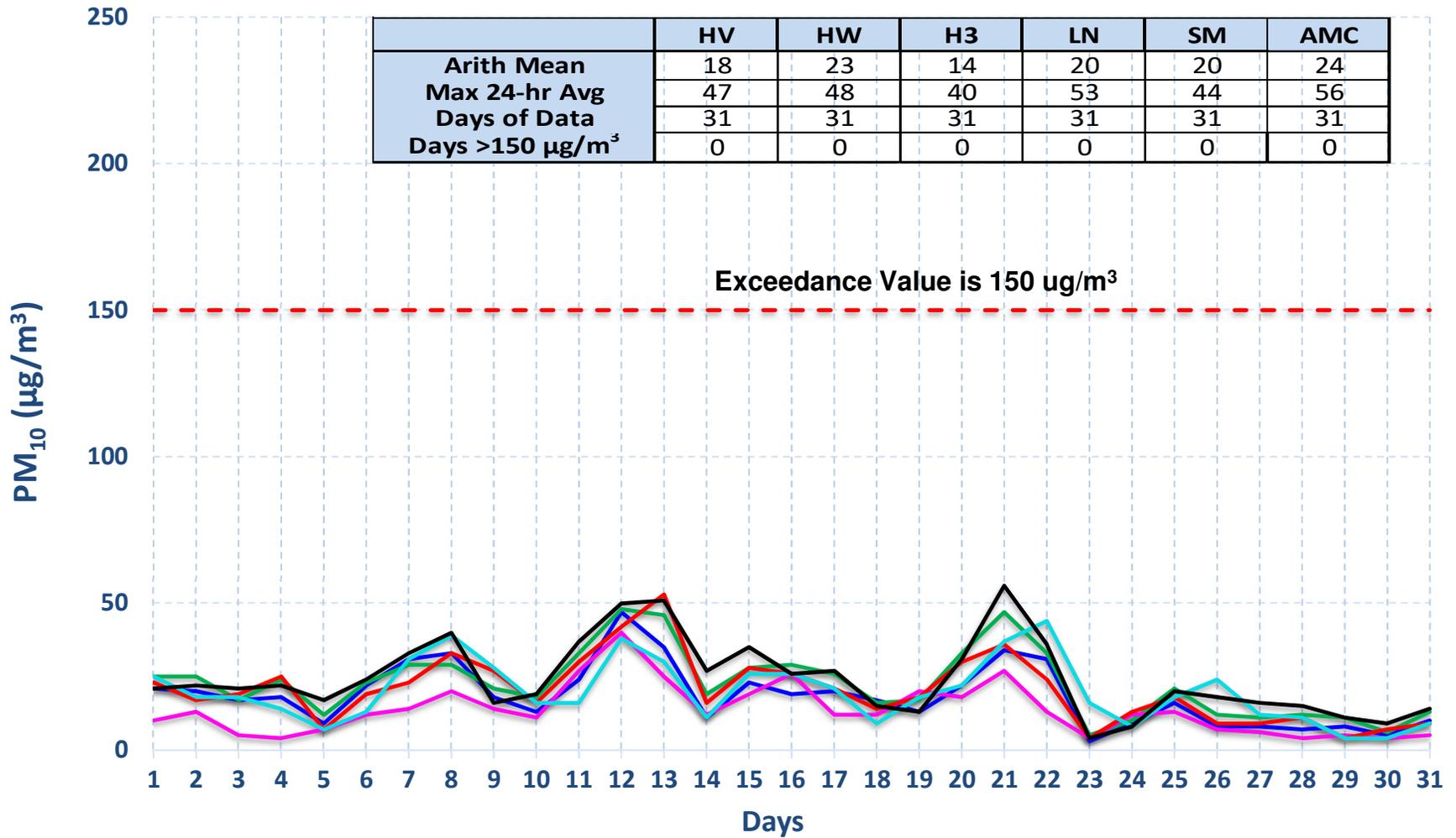
# Utah 24-Hr PM<sub>2.5</sub> Data APRIL 2021



- Bountiful
- Hawthorne
- Smithfield
- Erda
- Lindon
- Spanish Fork
- Harrisville
- Rose Park
- AMC
- 24-hr Exceedence Value is 35 µg/m<sup>3</sup>

## Utah 24-hr PM<sub>10</sub> Data January 2021

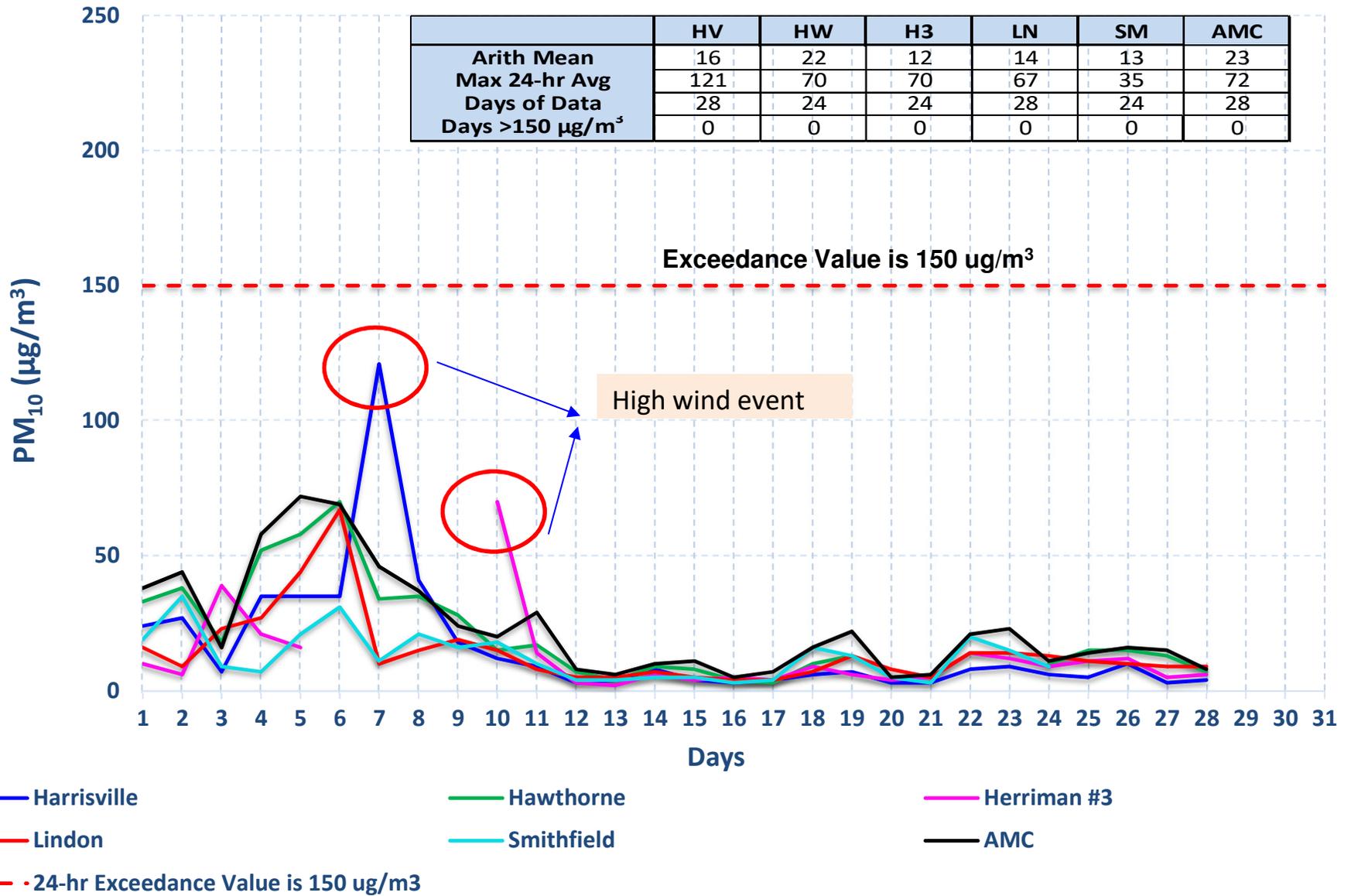
	HV	HW	H3	LN	SM	AMC
Arith Mean	18	23	14	20	20	24
Max 24-hr Avg	47	48	40	53	44	56
Days of Data	31	31	31	31	31	31
Days >150 µg/m <sup>3</sup>	0	0	0	0	0	0



- Harrisville
- Hawthorne
- Herriman #3
- Lindon
- Smithfield
- AMC
- - - 24-hr Exceedance Value is 150 ug/m<sup>3</sup>

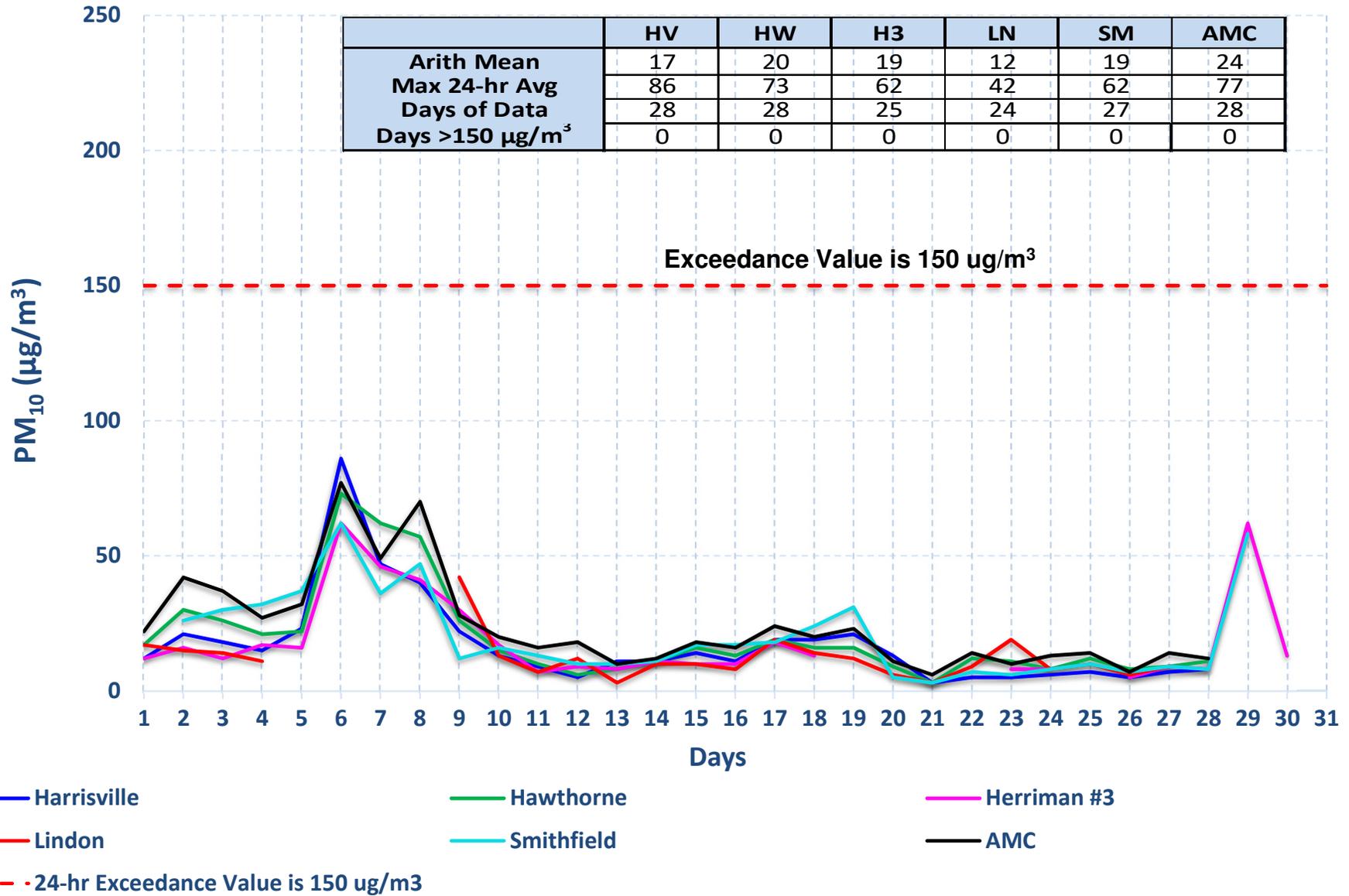
## Utah 24-hr PM<sub>10</sub> Data February 2021

	HV	HW	H3	LN	SM	AMC
Arith Mean	16	22	12	14	13	23
Max 24-hr Avg	121	70	70	67	35	72
Days of Data	28	24	24	28	24	28
Days >150 µg/m <sup>3</sup>	0	0	0	0	0	0



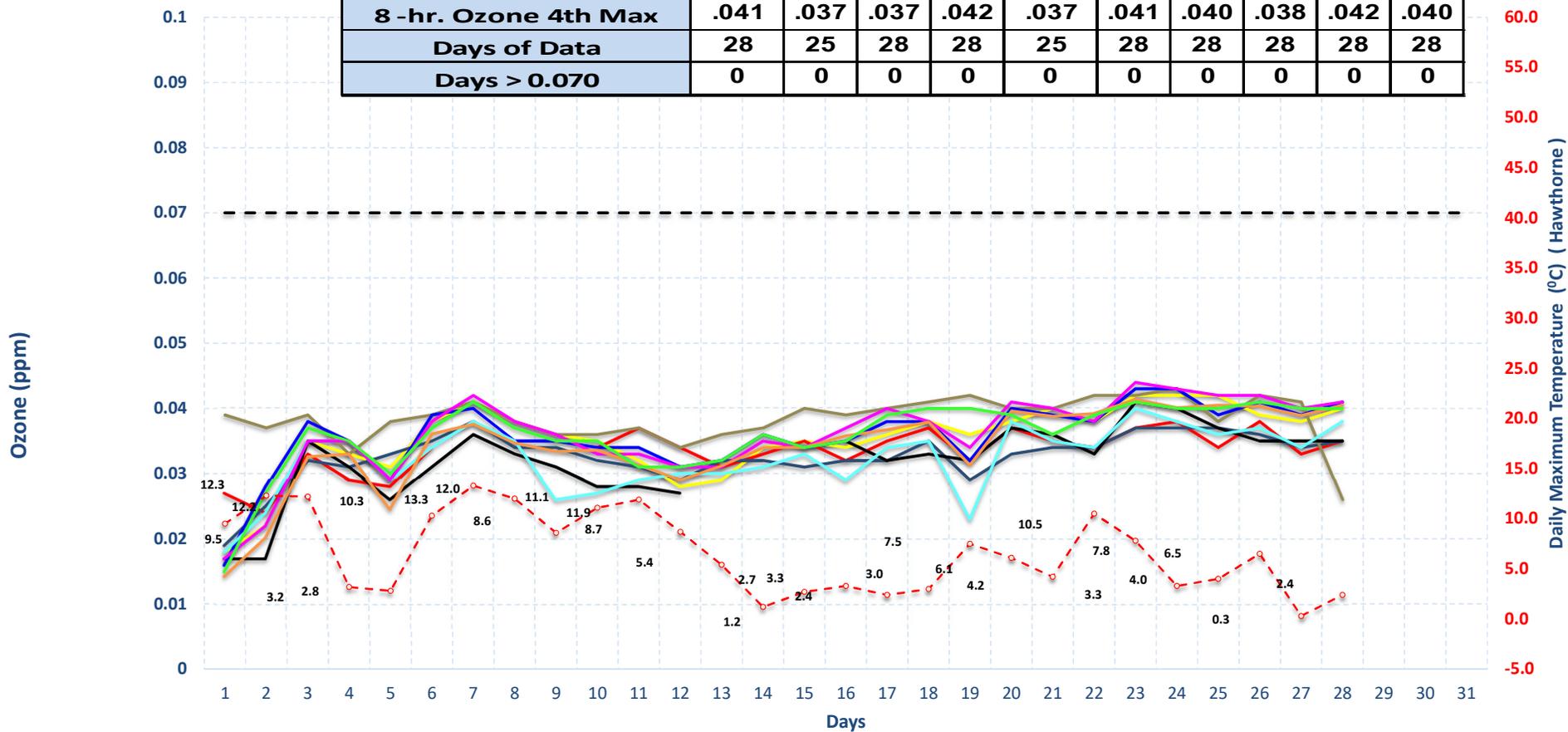
## Utah 24-hr PM<sub>10</sub> Data March 2021

	HV	HW	H3	LN	SM	AMC
<b>Arith Mean</b>	17	20	19	12	19	24
<b>Max 24-hr Avg</b>	86	73	62	42	62	77
<b>Days of Data</b>	28	28	25	24	27	28
<b>Days &gt;150 µg/m<sup>3</sup></b>	0	0	0	0	0	0



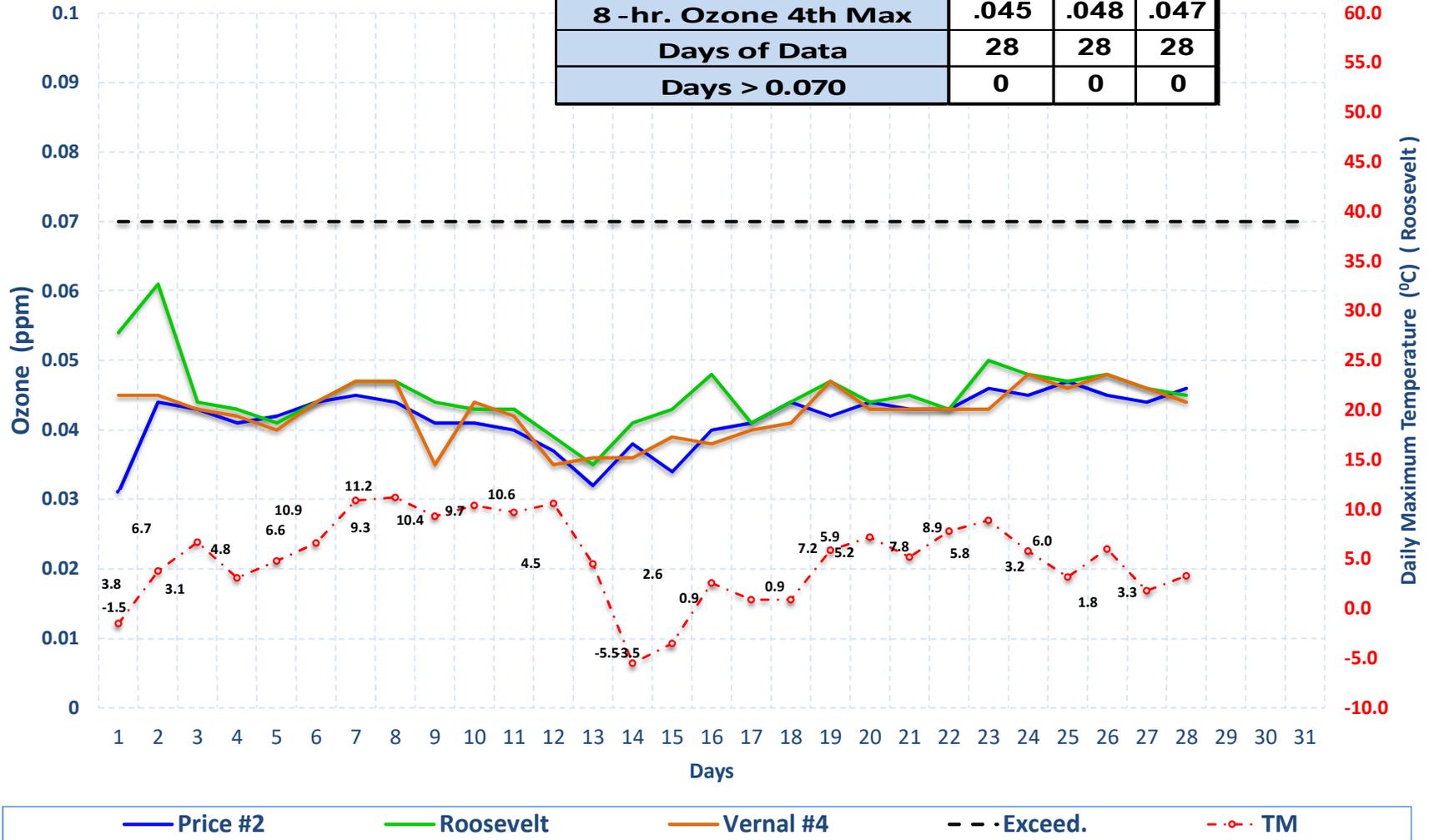
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2021

	BV	CV	ED	H3	HV	HW	LP	NR	RP	AMC
<b>Arith Mean</b>	.035	.033	.033	.038	.032	.036	.036	.032	.036	.034
<b>8-hr. Ozone 4th Max</b>	.041	.037	.037	.042	.037	.041	.040	.038	.042	.040
<b>Days of Data</b>	28	25	28	28	25	28	28	28	28	28
<b>Days &gt; 0.070</b>	0	0	0	0	0	0	0	0	0	0



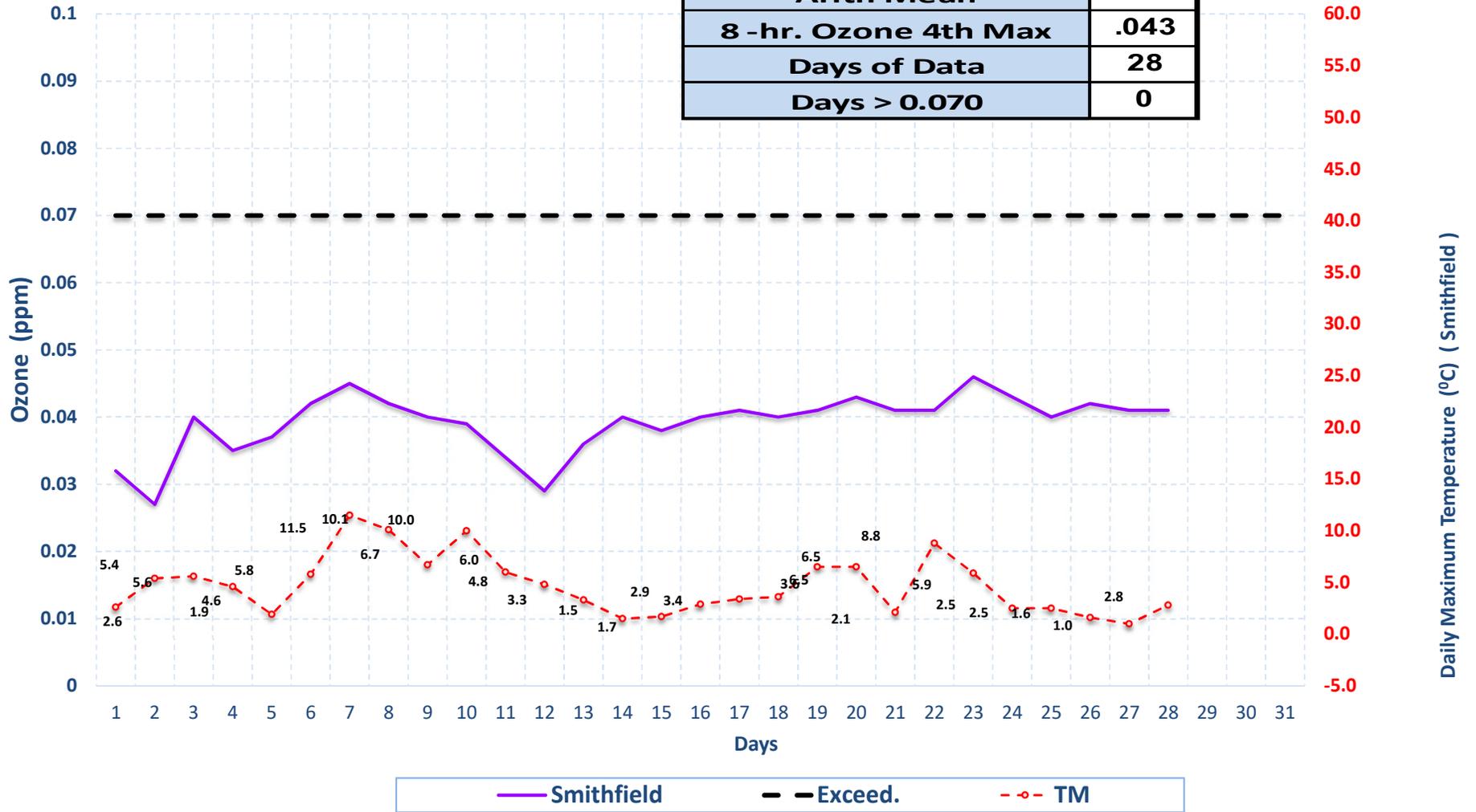
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2021

	P2	RS	V4
<b>Arith Mean</b>	<b>.042</b>	<b>.045</b>	<b>.043</b>
<b>8-hr. Ozone 4th Max</b>	<b>.045</b>	<b>.048</b>	<b>.047</b>
<b>Days of Data</b>	<b>28</b>	<b>28</b>	<b>28</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>	<b>0</b>



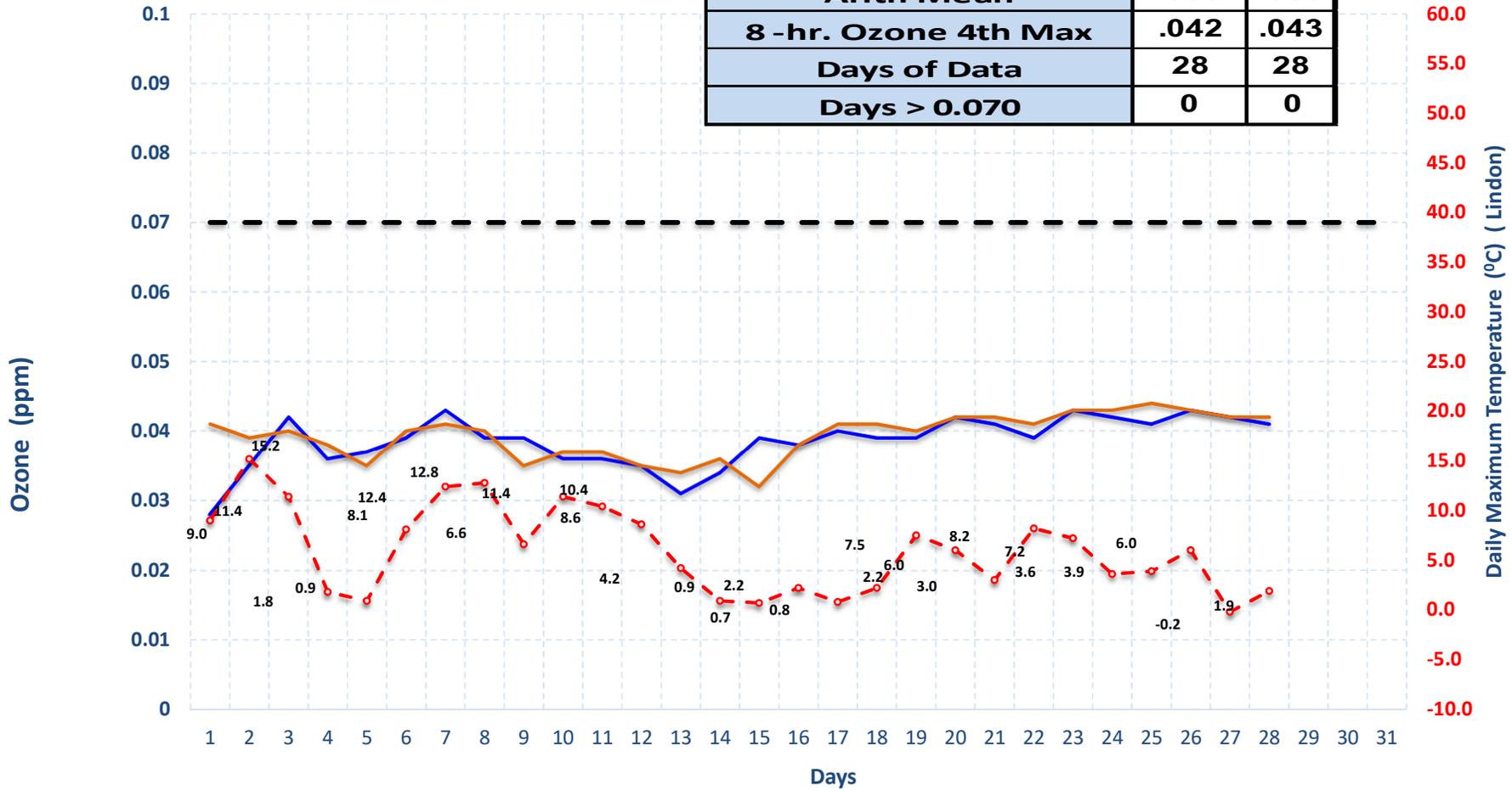
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2021

	<b>SM</b>
<b>Arith Mean</b>	<b>.039</b>
<b>8 -hr. Ozone 4th Max</b>	<b>.043</b>
<b>Days of Data</b>	<b>28</b>
<b>Days &gt; 0.070</b>	<b>0</b>



## Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2021

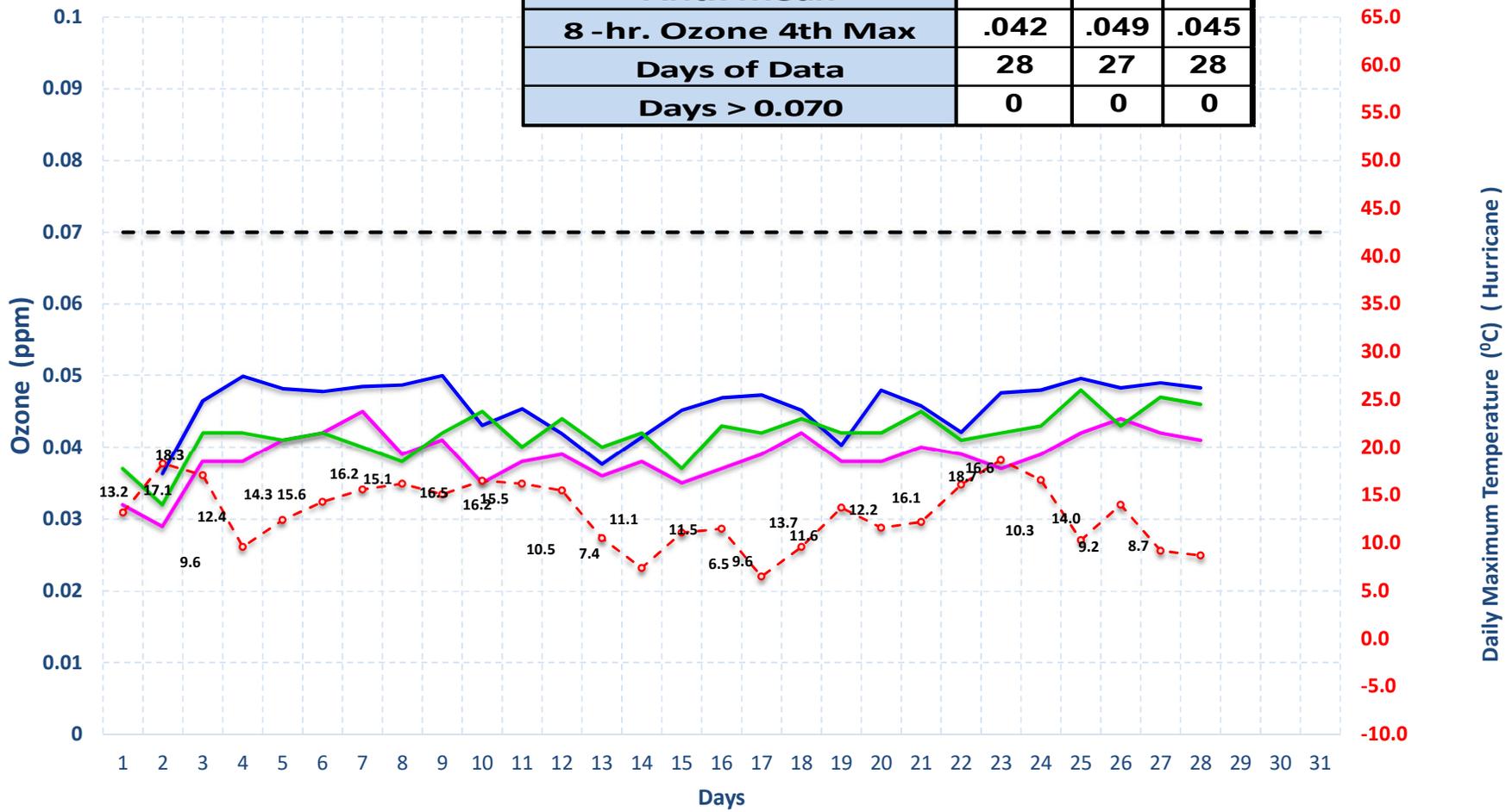
	LN	SF
<b>Arith Mean</b>	<b>.039</b>	<b>.039</b>
<b>8 -hr. Ozone 4th Max</b>	<b>.042</b>	<b>.043</b>
<b>Days of Data</b>	<b>28</b>	<b>28</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>



— Lindon     
 — Spanish Fork     
 - - Exceed.     
 - - ○ - TM

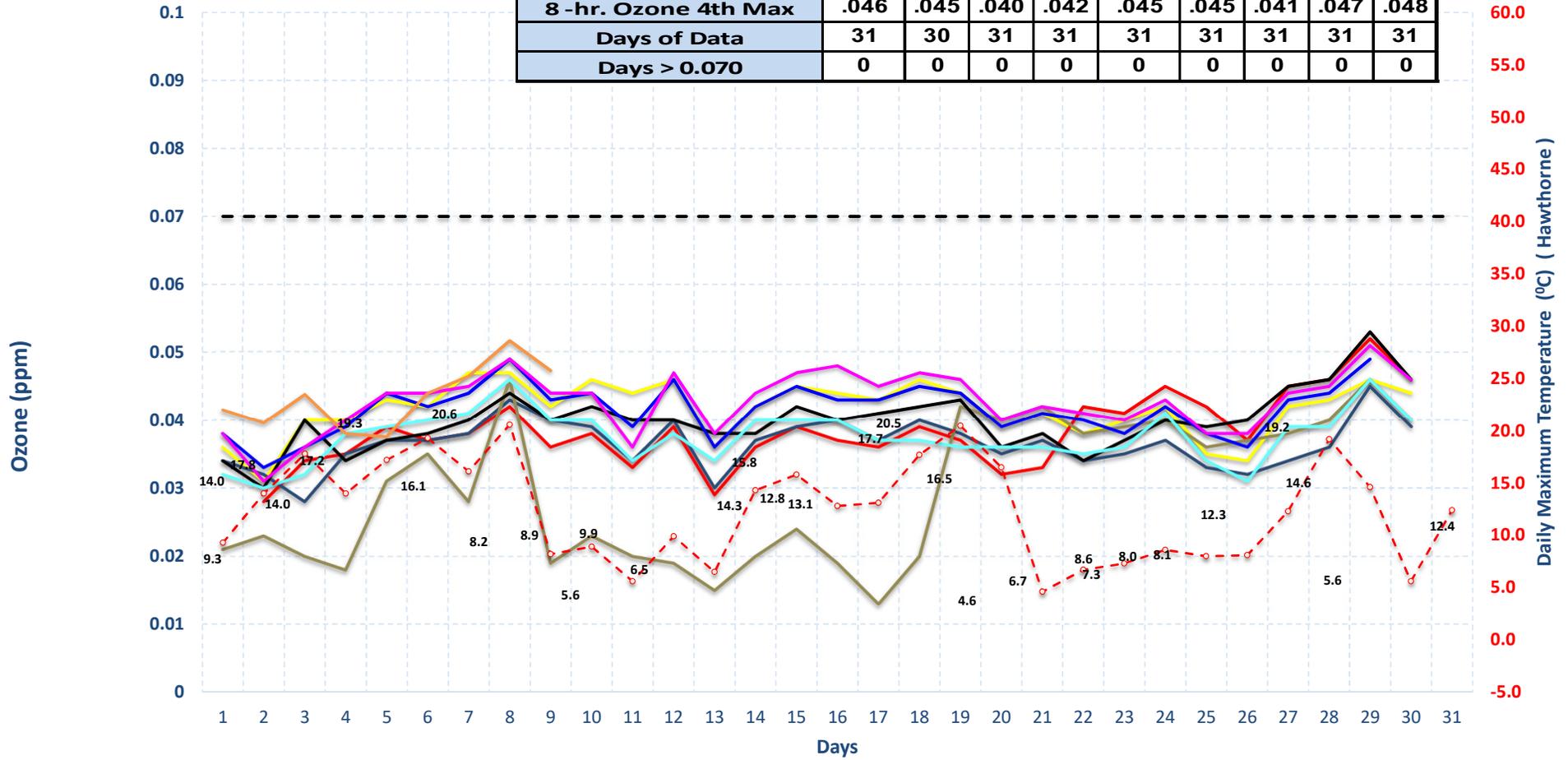
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2021

	EN	ES	HC
<b>Arith Mean</b>	<b>.039</b>	<b>.046</b>	<b>.042</b>
<b>8 -hr. Ozone 4th Max</b>	<b>.042</b>	<b>.049</b>	<b>.045</b>
<b>Days of Data</b>	<b>28</b>	<b>27</b>	<b>28</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>	<b>0</b>



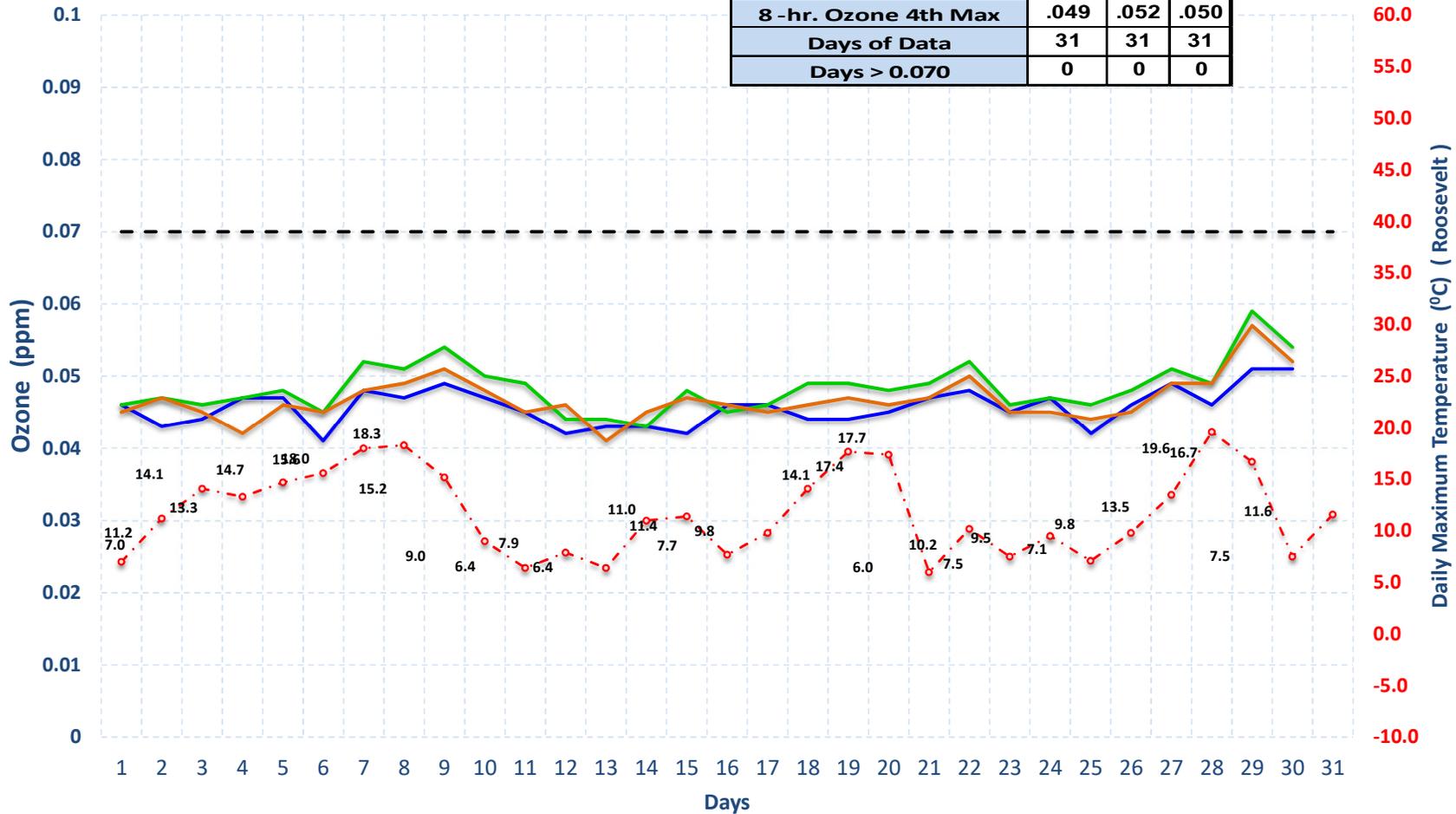
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2021

	BV	CV	ED	H3	HV	HW	NR	RP	AMC
<b>Arith Mean</b>	.042	.038	.037	.030	.040	.042	.038	.043	.043
<b>8-hr. Ozone 4th Max</b>	.046	.045	.040	.042	.045	.045	.041	.047	.048
<b>Days of Data</b>	31	30	31	31	31	31	31	31	31
<b>Days &gt; 0.070</b>	0	0	0	0	0	0	0	0	0



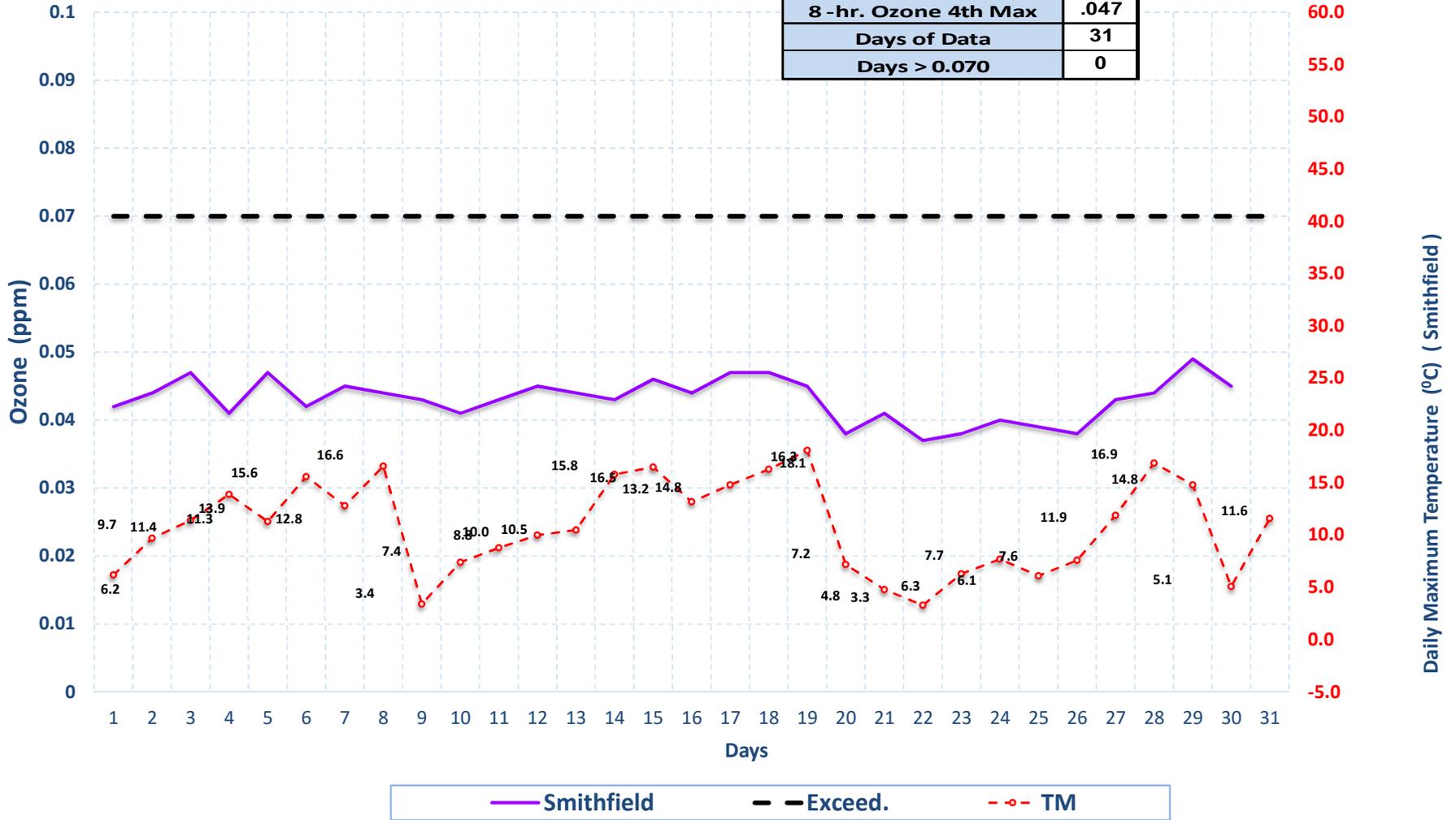
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2021

	P2	RS	V4
<b>Arith Mean</b>	.046	.048	.047
<b>8-hr. Ozone 4th Max</b>	.049	.052	.050
<b>Days of Data</b>	31	31	31
<b>Days &gt; 0.070</b>	0	0	0



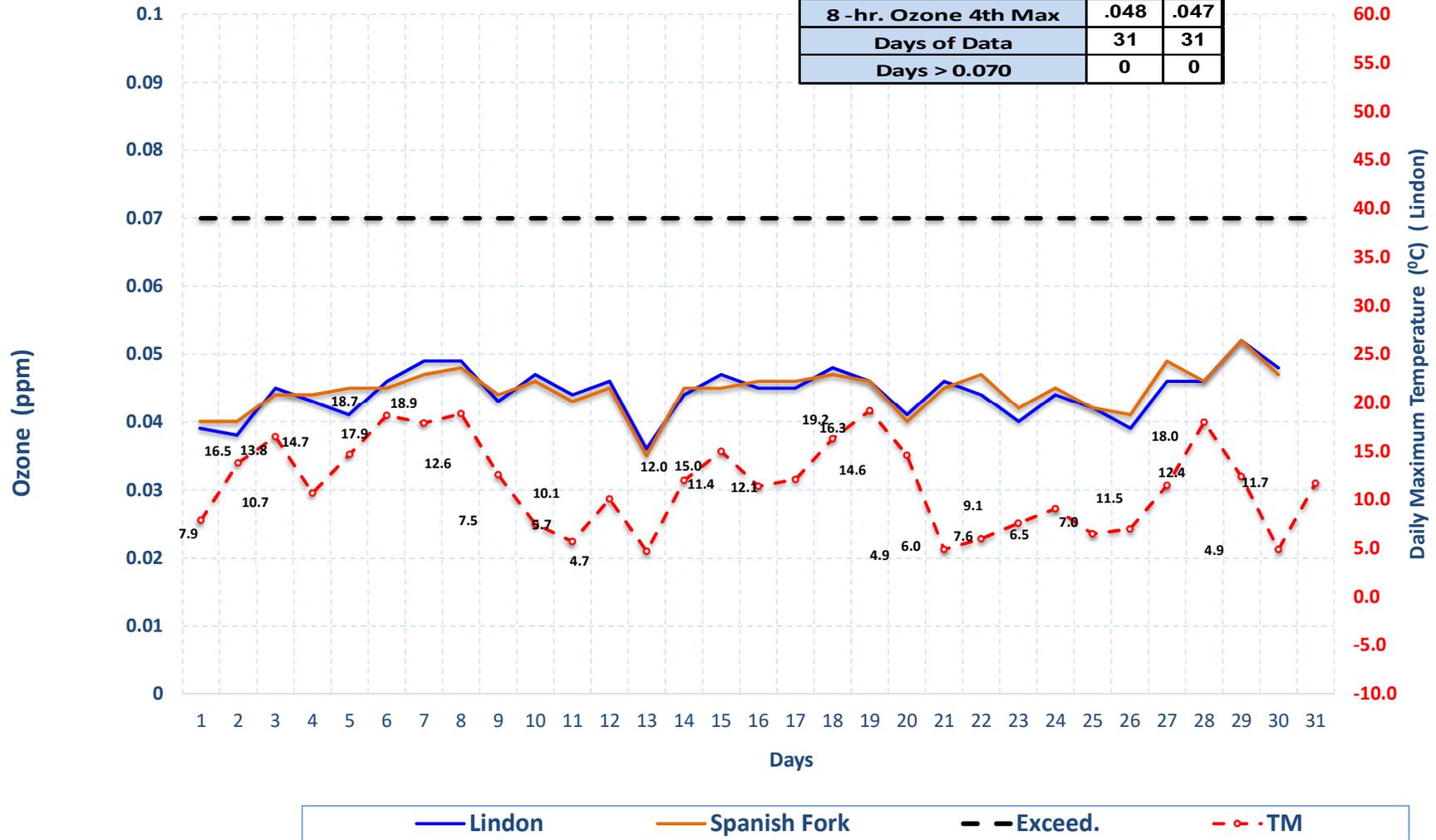
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2021

	<b>SM</b>
<b>Arith Mean</b>	<b>.043</b>
<b>8-hr. Ozone 4th Max</b>	<b>.047</b>
<b>Days of Data</b>	<b>31</b>
<b>Days &gt; 0.070</b>	<b>0</b>



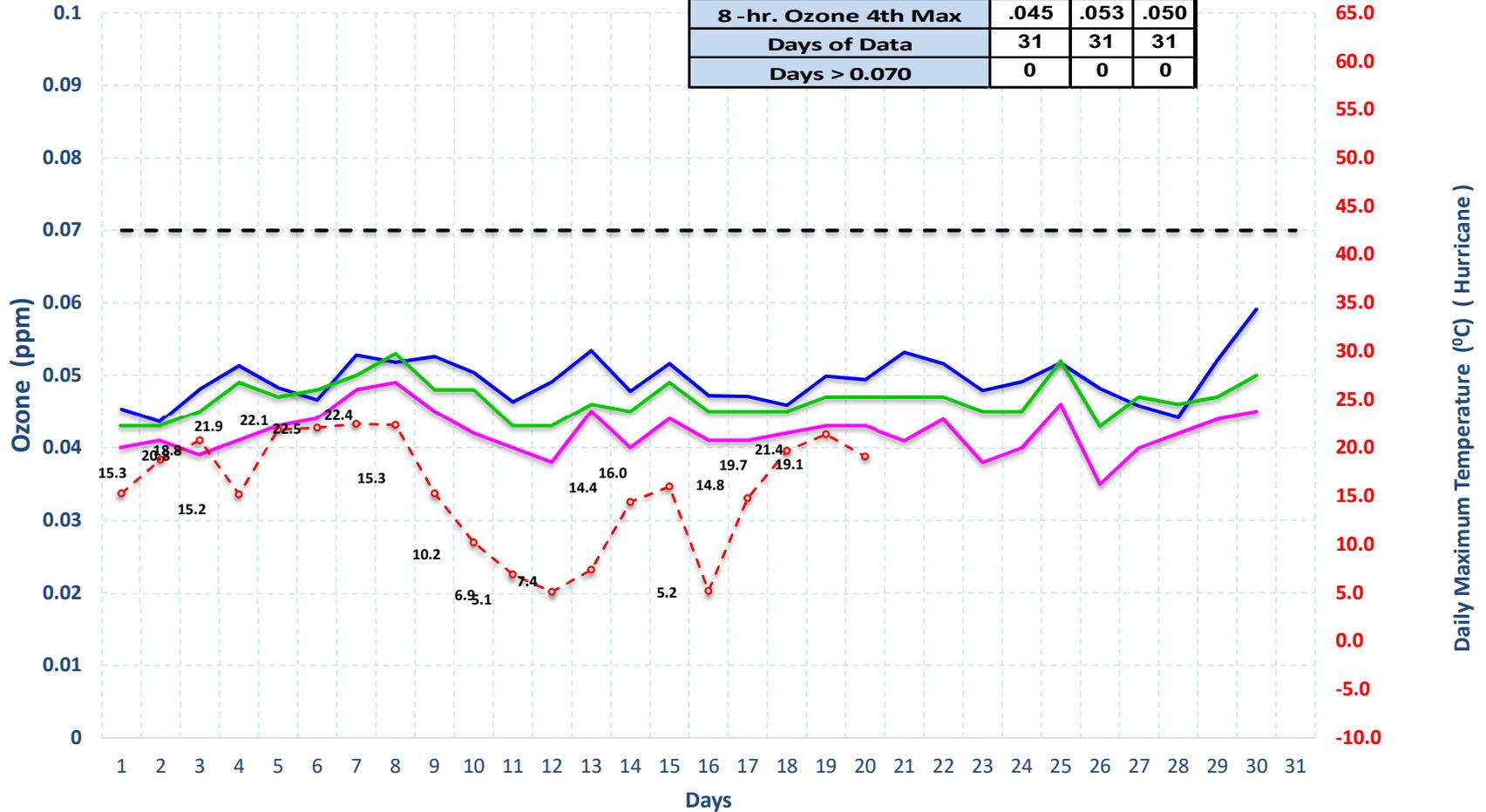
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2021

	LN	SF
Arith Mean	.044	.045
8-hr. Ozone 4th Max	.048	.047
Days of Data	31	31
Days > 0.070	0	0



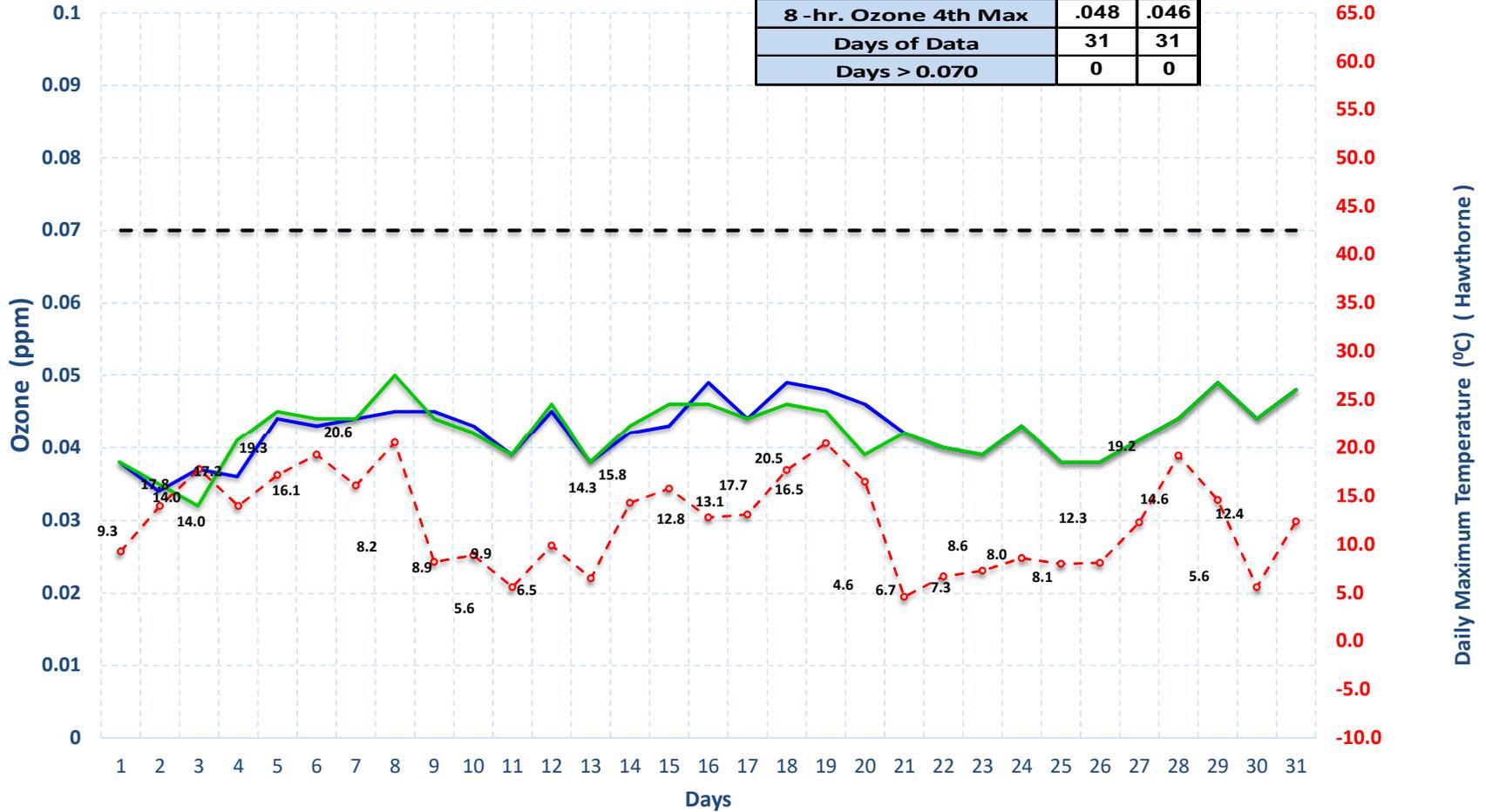
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2021

	EN	ES	HC
<b>Arith Mean</b>	<b>.042</b>	<b>.049</b>	<b>.047</b>
<b>8-hr. Ozone 4th Max</b>	<b>.045</b>	<b>.053</b>	<b>.050</b>
<b>Days of Data</b>	<b>31</b>	<b>31</b>	<b>31</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>	<b>0</b>



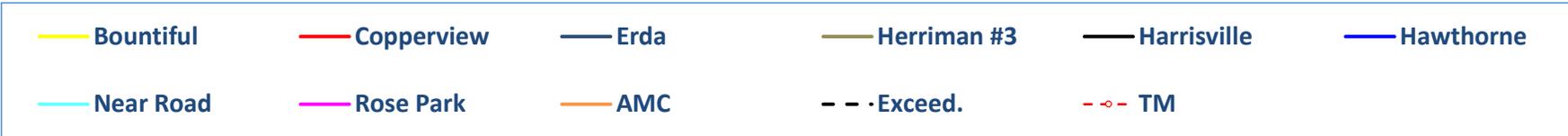
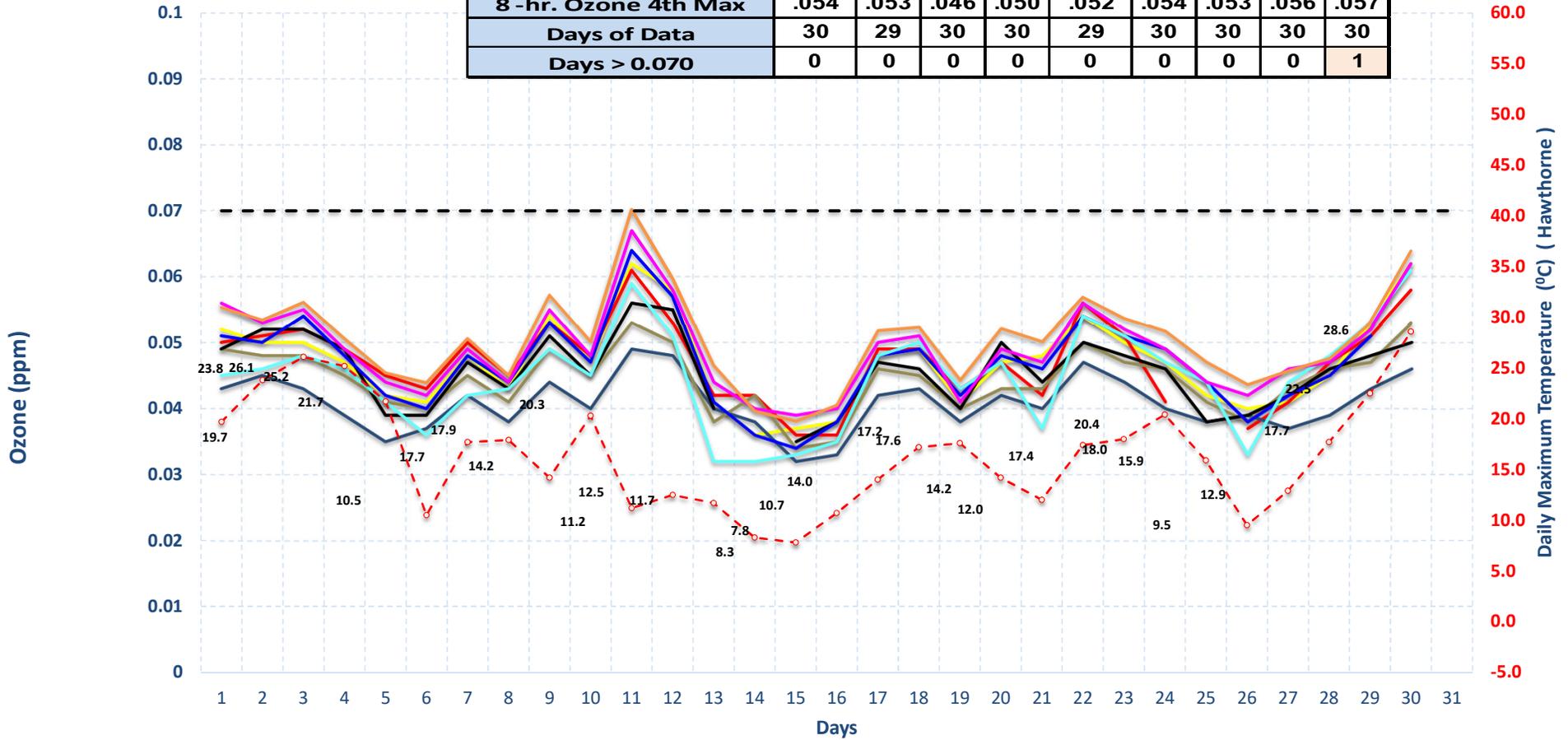
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2021

	IP	LP
Arith Mean	.042	.042
8-hr. Ozone 4th Max	.048	.046
Days of Data	31	31
Days > 0.070	0	0



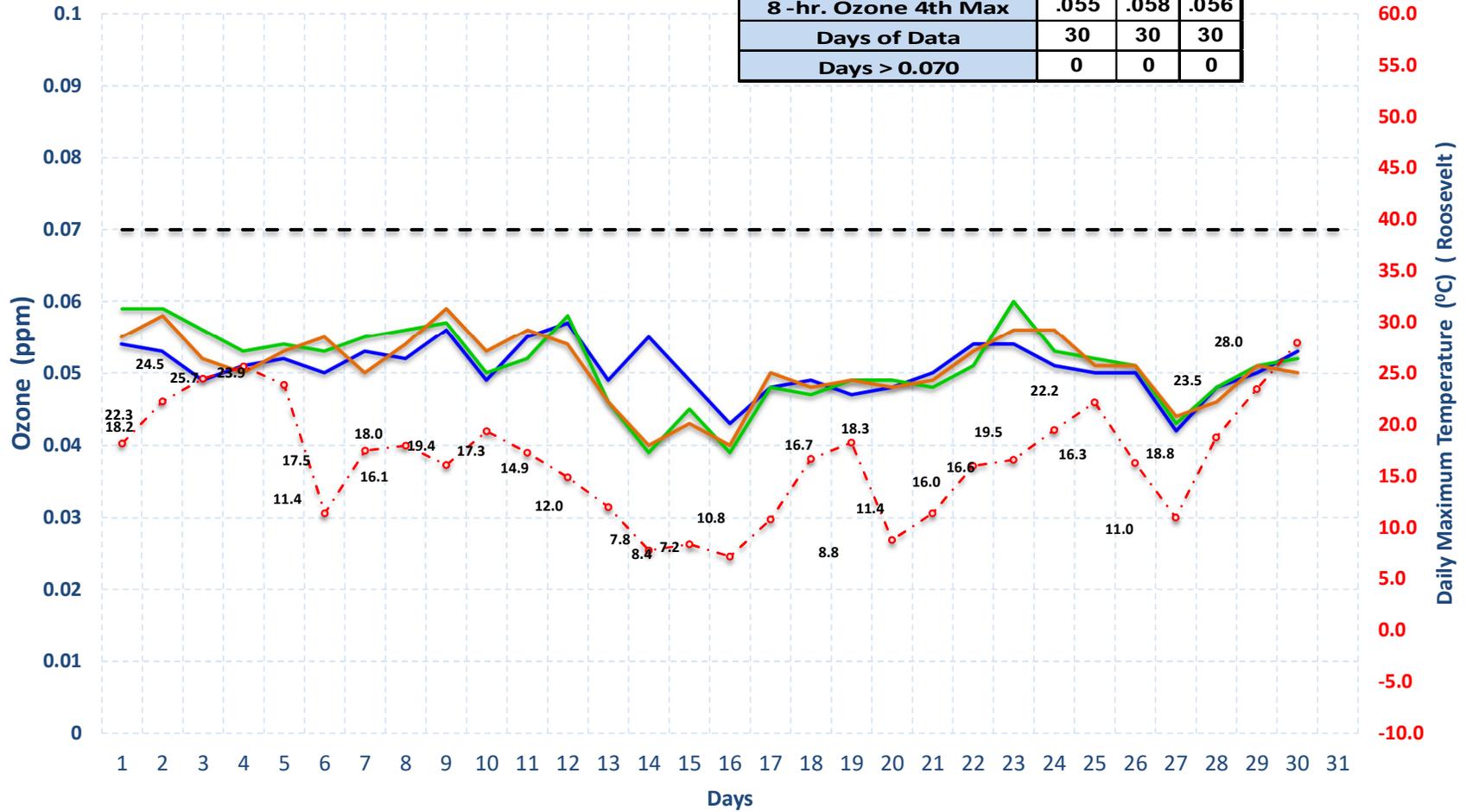
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2021

	BV	CV	ED	H3	HV	HW	NR	RP	AMC
<b>Arith Mean</b>	.047	.047	.041	.044	.046	.047	.045	.049	.051
<b>8-hr. Ozone 4th Max</b>	.054	.053	.046	.050	.052	.054	.053	.056	.057
<b>Days of Data</b>	30	29	30	30	29	30	30	30	30
<b>Days &gt; 0.070</b>	0	0	0	0	0	0	0	0	1



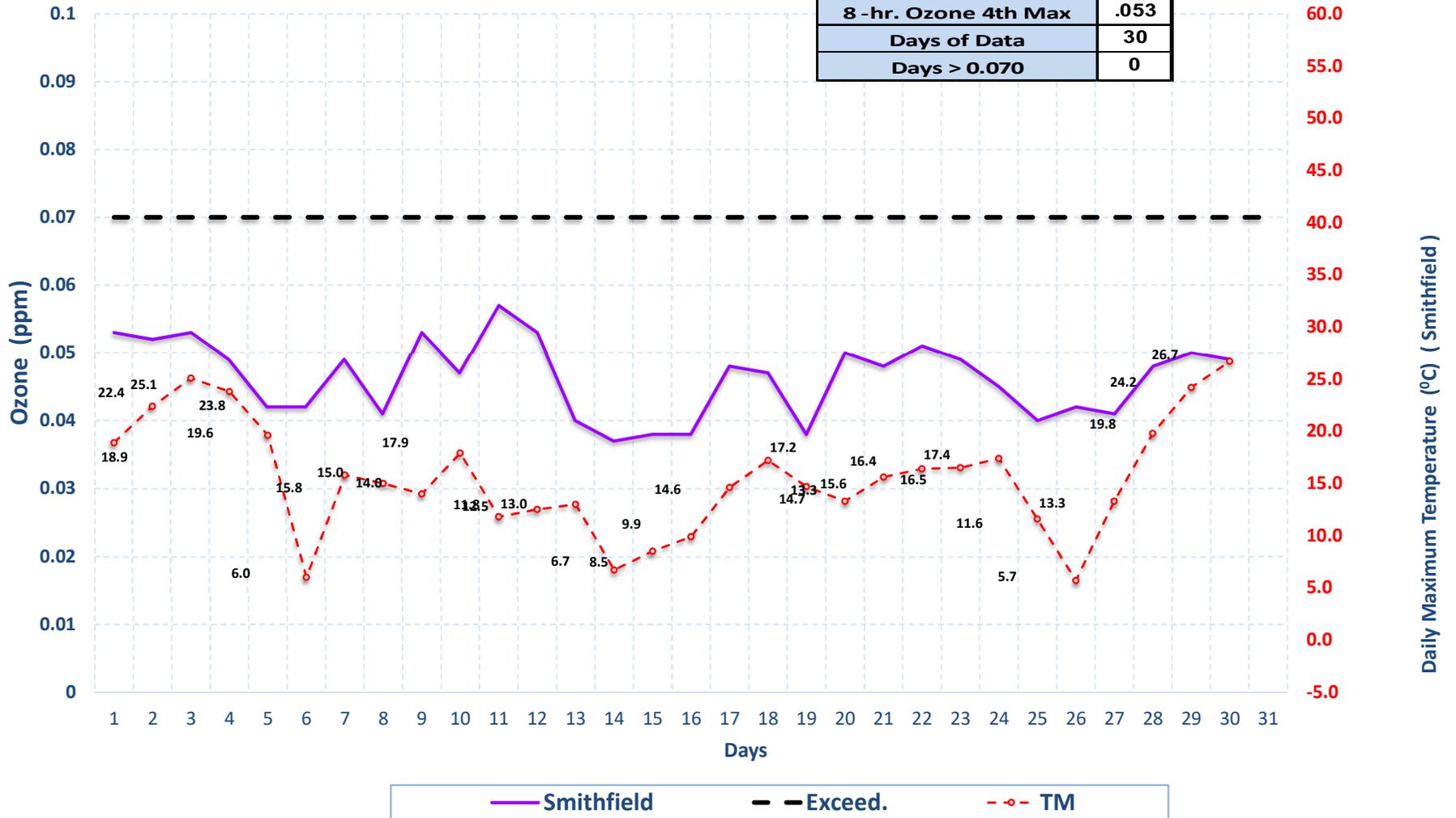
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2021

	P2	RS	V4
<b>Arith Mean</b>	<b>.051</b>	<b>.051</b>	<b>.051</b>
<b>8-hr. Ozone 4th Max</b>	<b>.055</b>	<b>.058</b>	<b>.056</b>
<b>Days of Data</b>	<b>30</b>	<b>30</b>	<b>30</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>	<b>0</b>



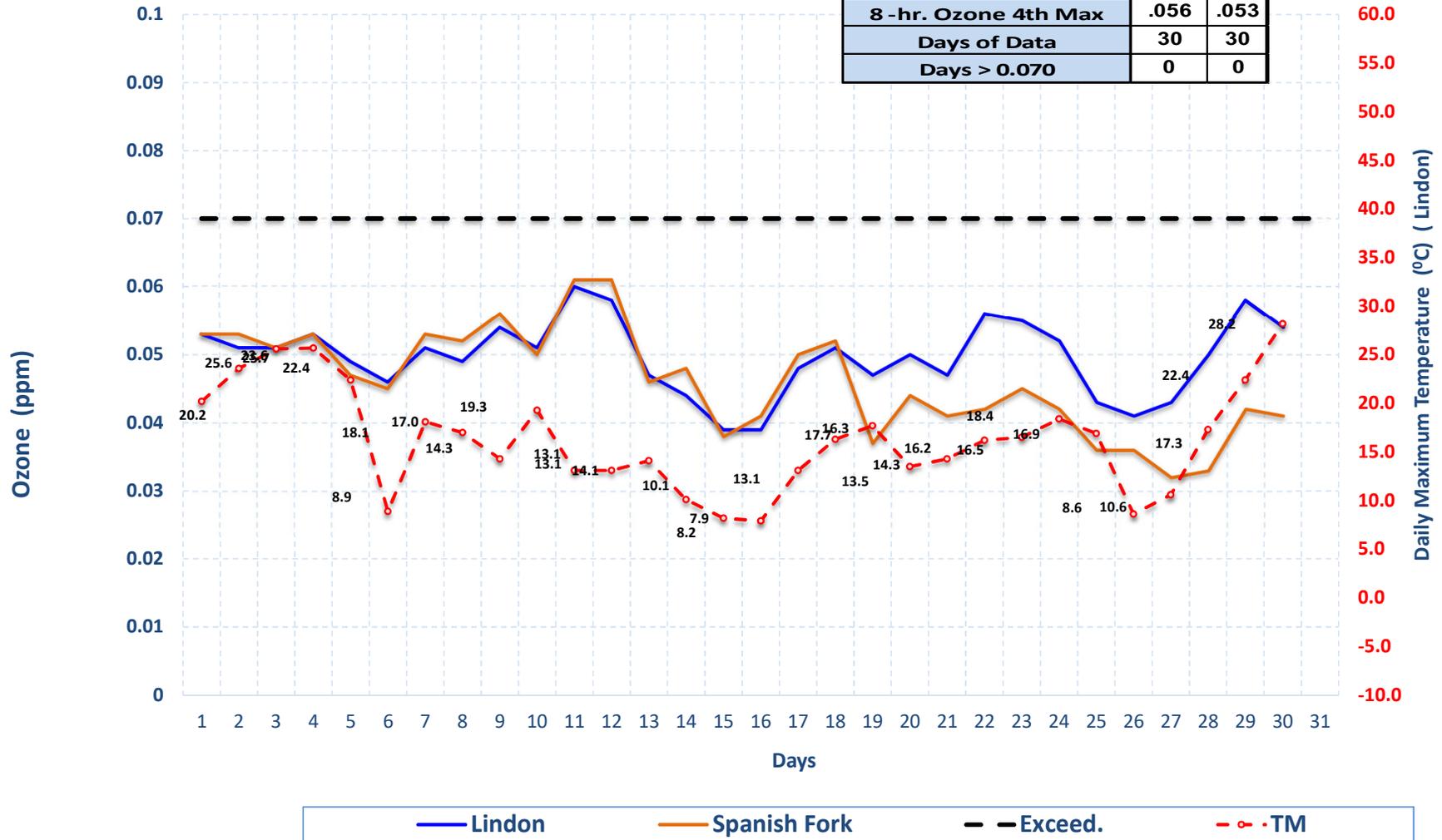
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2021

	<b>SM</b>
<b>Arith Mean</b>	<b>.046</b>
<b>8-hr. Ozone 4th Max</b>	<b>.053</b>
<b>Days of Data</b>	<b>30</b>
<b>Days &gt; 0.070</b>	<b>0</b>



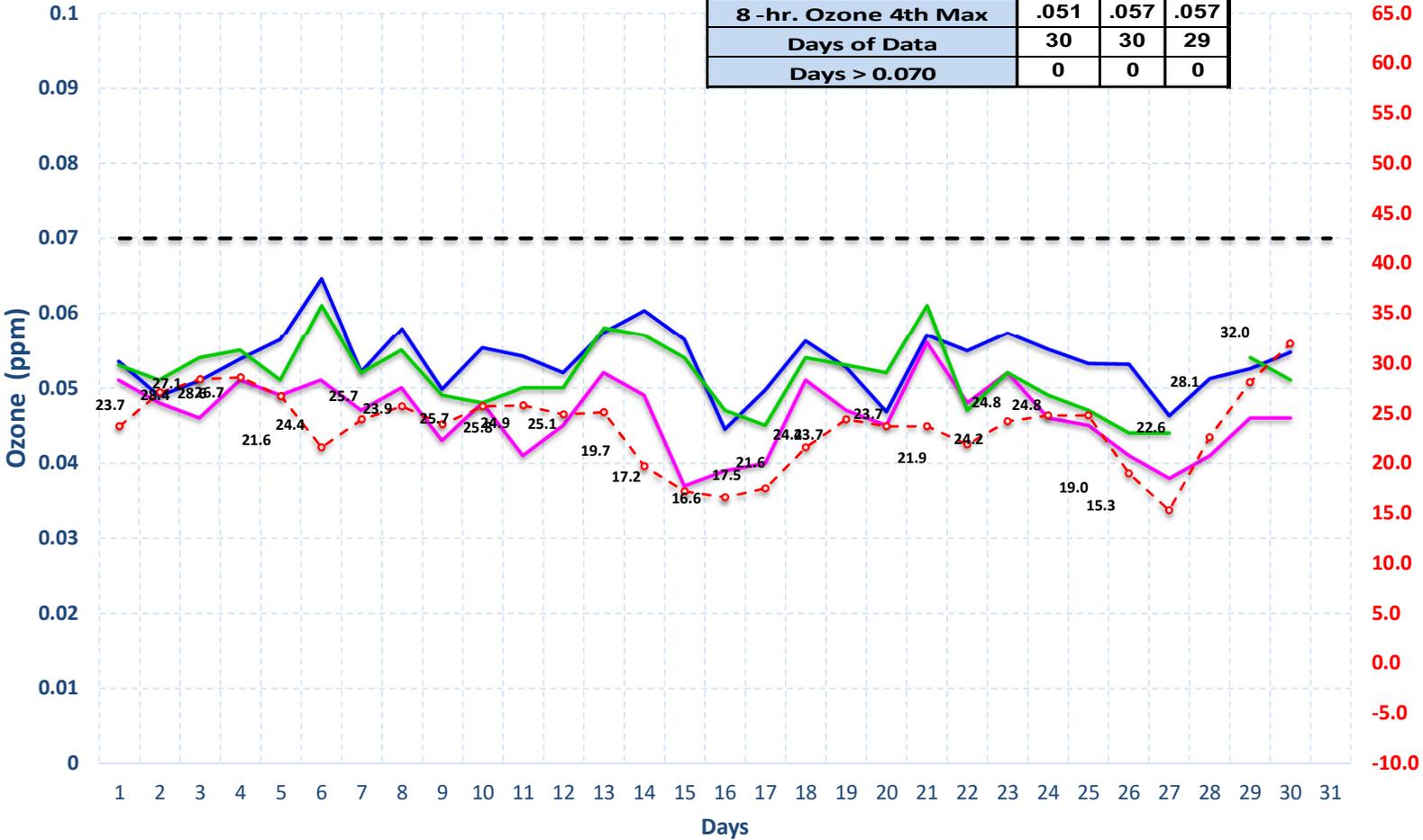
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2021

	LN	SF
Arith Mean	.050	.046
8-hr. Ozone 4th Max	.056	.053
Days of Data	30	30
Days > 0.070	0	0



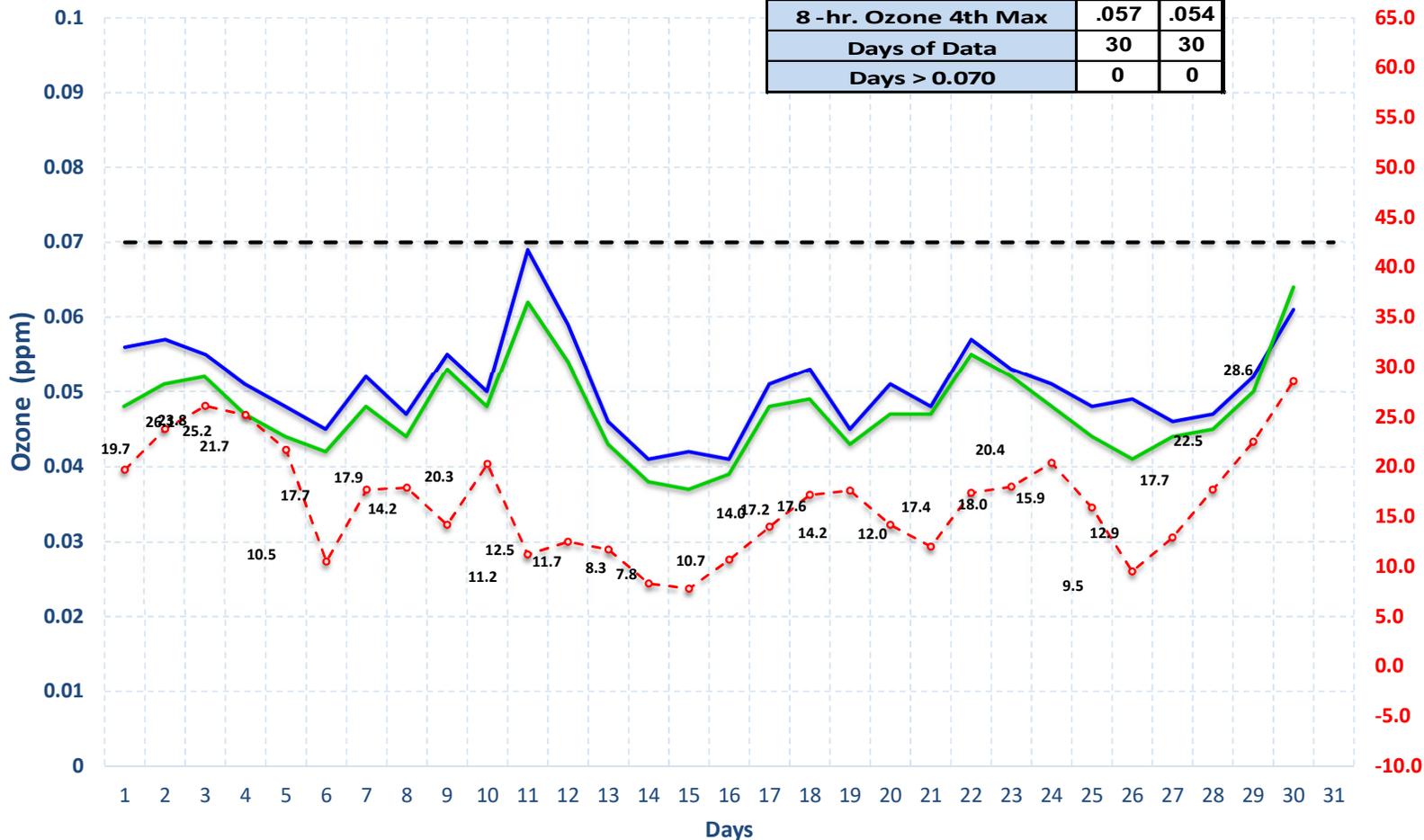
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2021

	EN	ES	HC
<b>Arith Mean</b>	<b>.046</b>	<b>.054</b>	<b>.052</b>
<b>8-hr. Ozone 4th Max</b>	<b>.051</b>	<b>.057</b>	<b>.057</b>
<b>Days of Data</b>	<b>30</b>	<b>30</b>	<b>29</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>	<b>0</b>



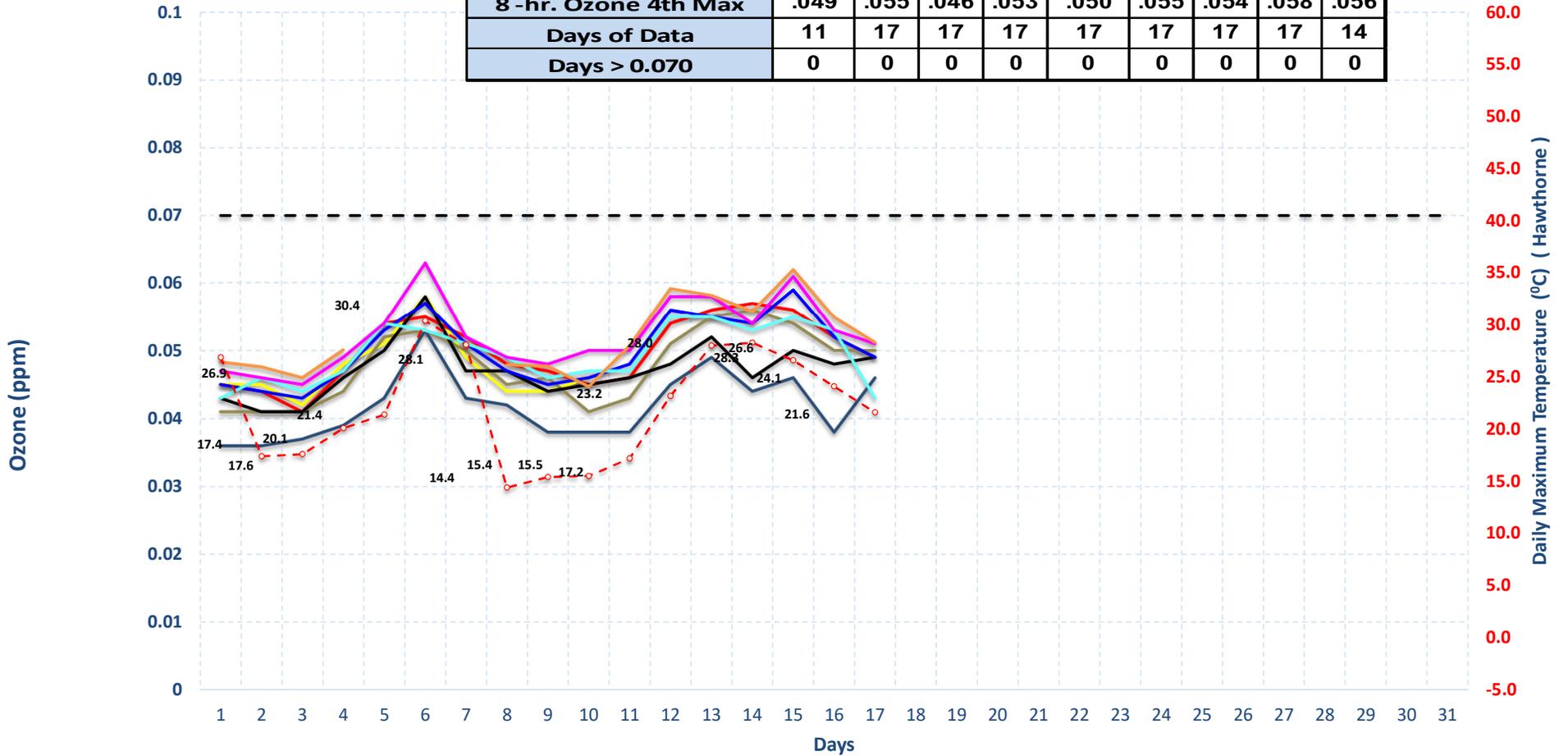
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2021

	IP	LP
<b>Arith Mean</b>	<b>.051</b>	<b>.048</b>
<b>8 -hr. Ozone 4th Max</b>	<b>.057</b>	<b>.054</b>
<b>Days of Data</b>	<b>30</b>	<b>30</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>



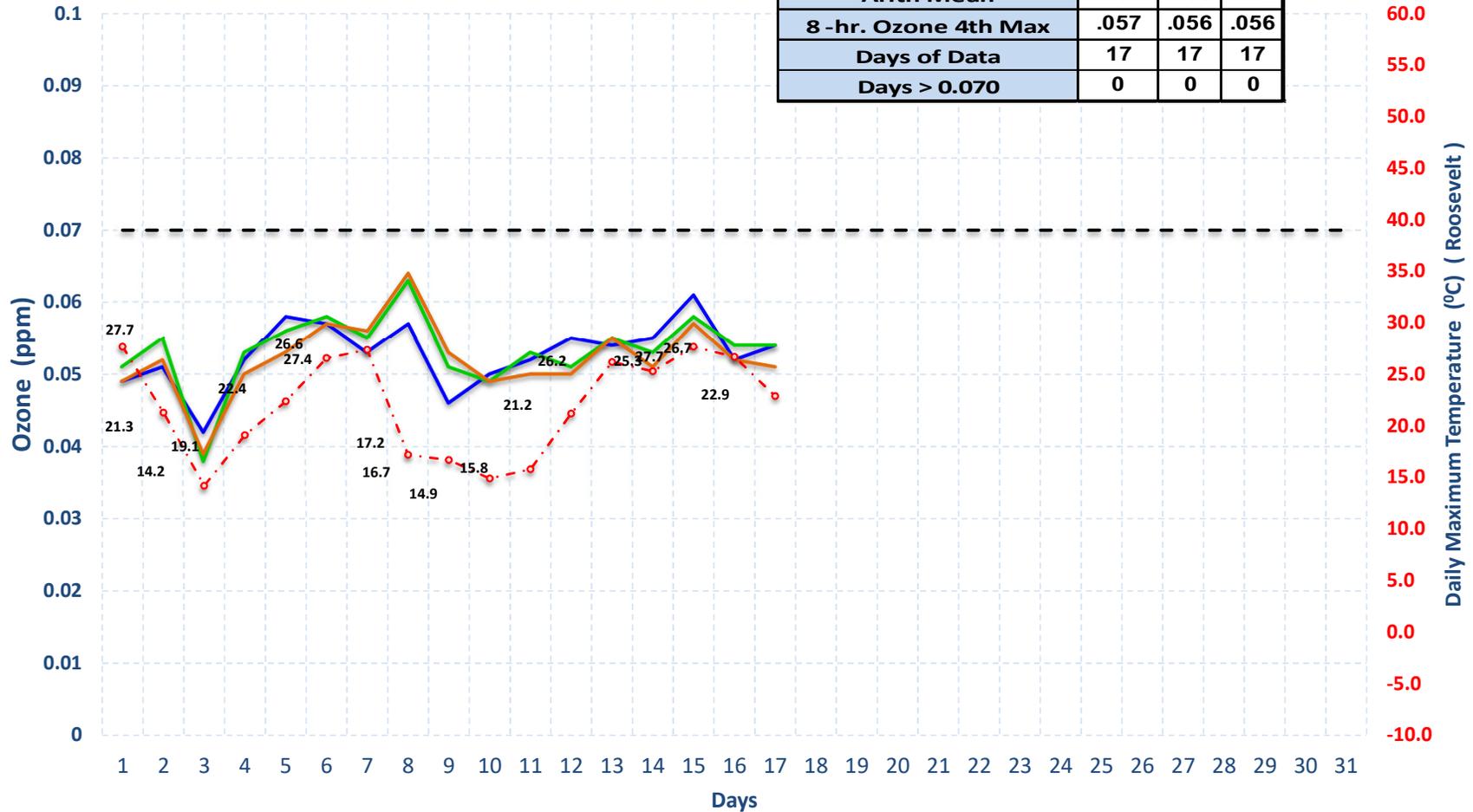
### Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2021

	BV	CV	ED	H3	HV	HW	NR	RP	AMC
<b>Arith Mean</b>	.047	.050	.042	.048	.047	.050	.049	.052	.052
<b>8-hr. Ozone 4th Max</b>	.049	.055	.046	.053	.050	.055	.054	.058	.056
<b>Days of Data</b>	11	17	17	17	17	17	17	17	14
<b>Days &gt; 0.070</b>	0	0	0	0	0	0	0	0	0



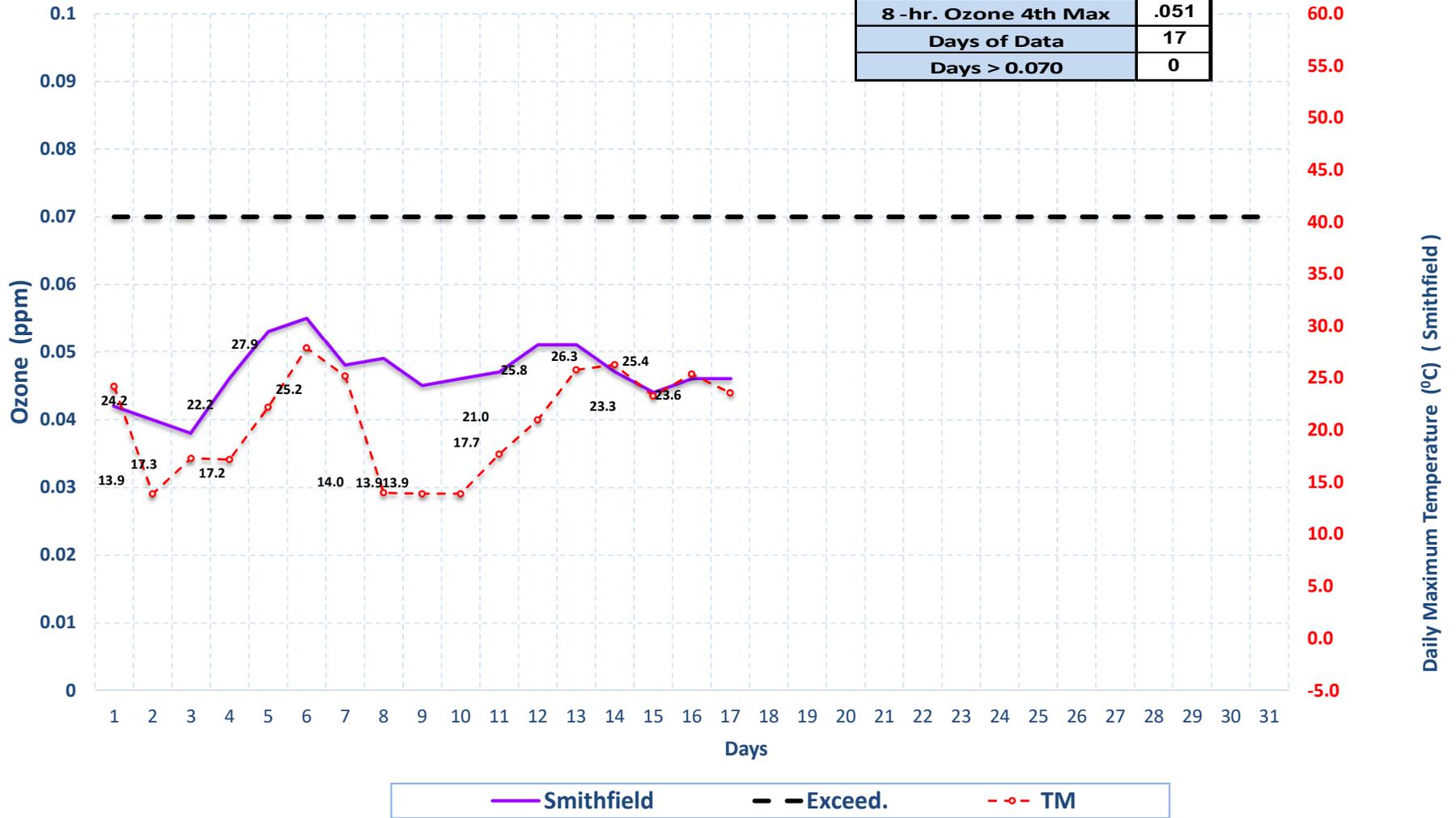
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2021

	P2	RS	V4
<b>Arith Mean</b>	<b>.053</b>	<b>.053</b>	<b>.052</b>
<b>8-hr. Ozone 4th Max</b>	<b>.057</b>	<b>.056</b>	<b>.056</b>
<b>Days of Data</b>	<b>17</b>	<b>17</b>	<b>17</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>	<b>0</b>



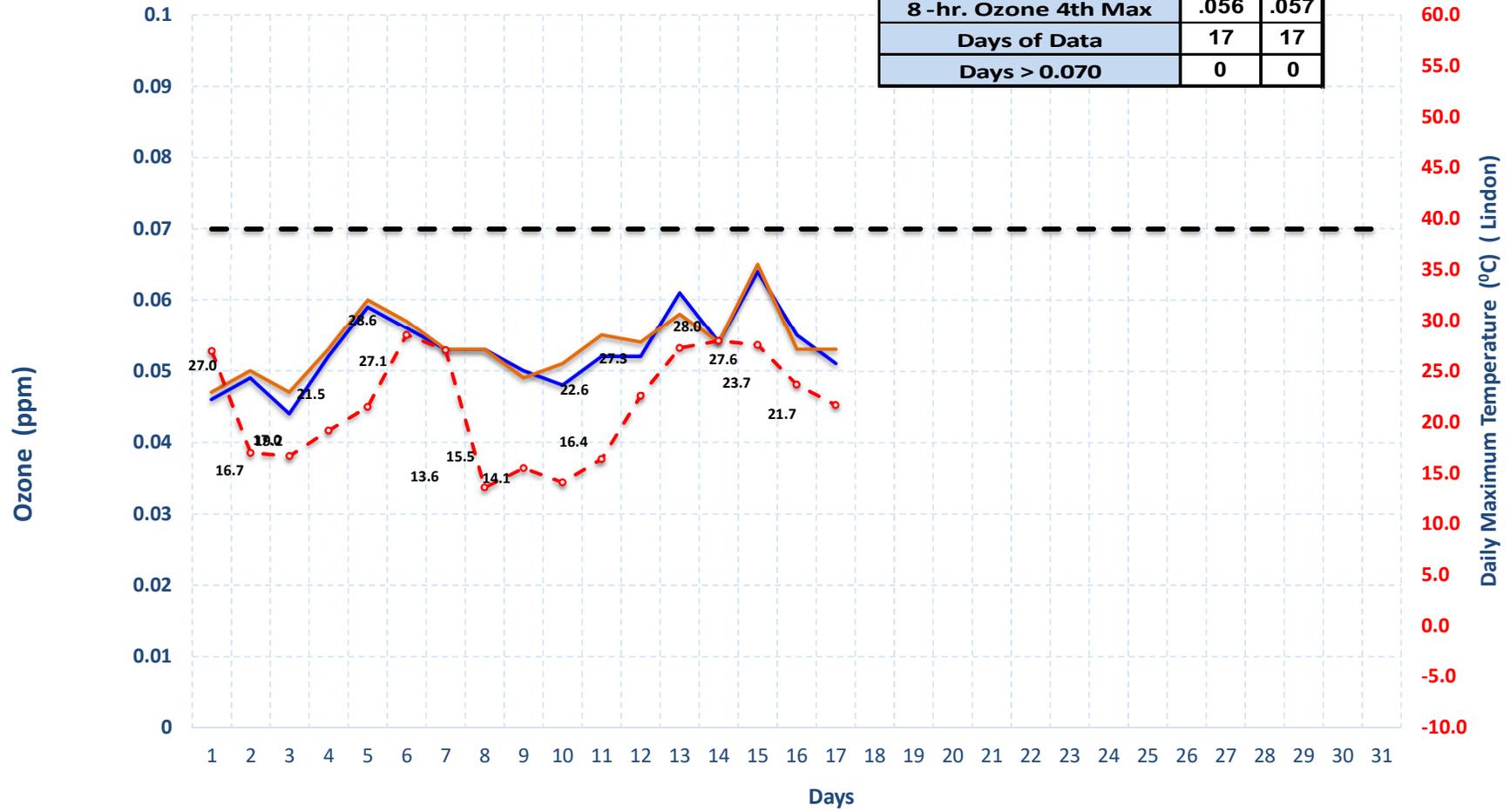
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2021

	<b>SM</b>
<b>Arith Mean</b>	<b>.047</b>
<b>8-hr. Ozone 4th Max</b>	<b>.051</b>
<b>Days of Data</b>	<b>17</b>
<b>Days &gt; 0.070</b>	<b>0</b>



## Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2021

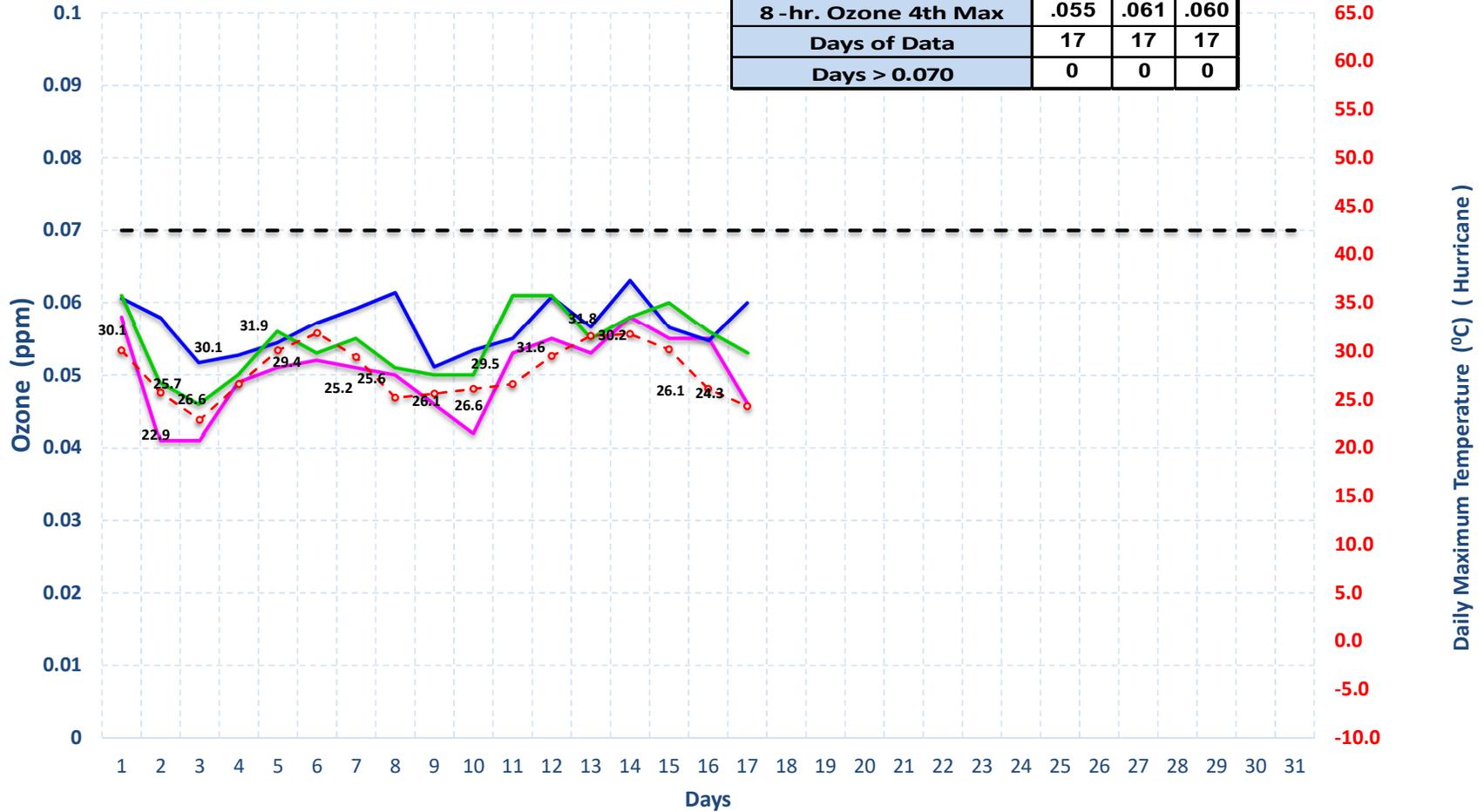
	LN	SF
<b>Arith Mean</b>	<b>.053</b>	<b>.054</b>
<b>8-hr. Ozone 4th Max</b>	<b>.056</b>	<b>.057</b>
<b>Days of Data</b>	<b>17</b>	<b>17</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>



— Lindon     
 — Spanish Fork     
 - - Exceed.     
 - - ○ - - TM

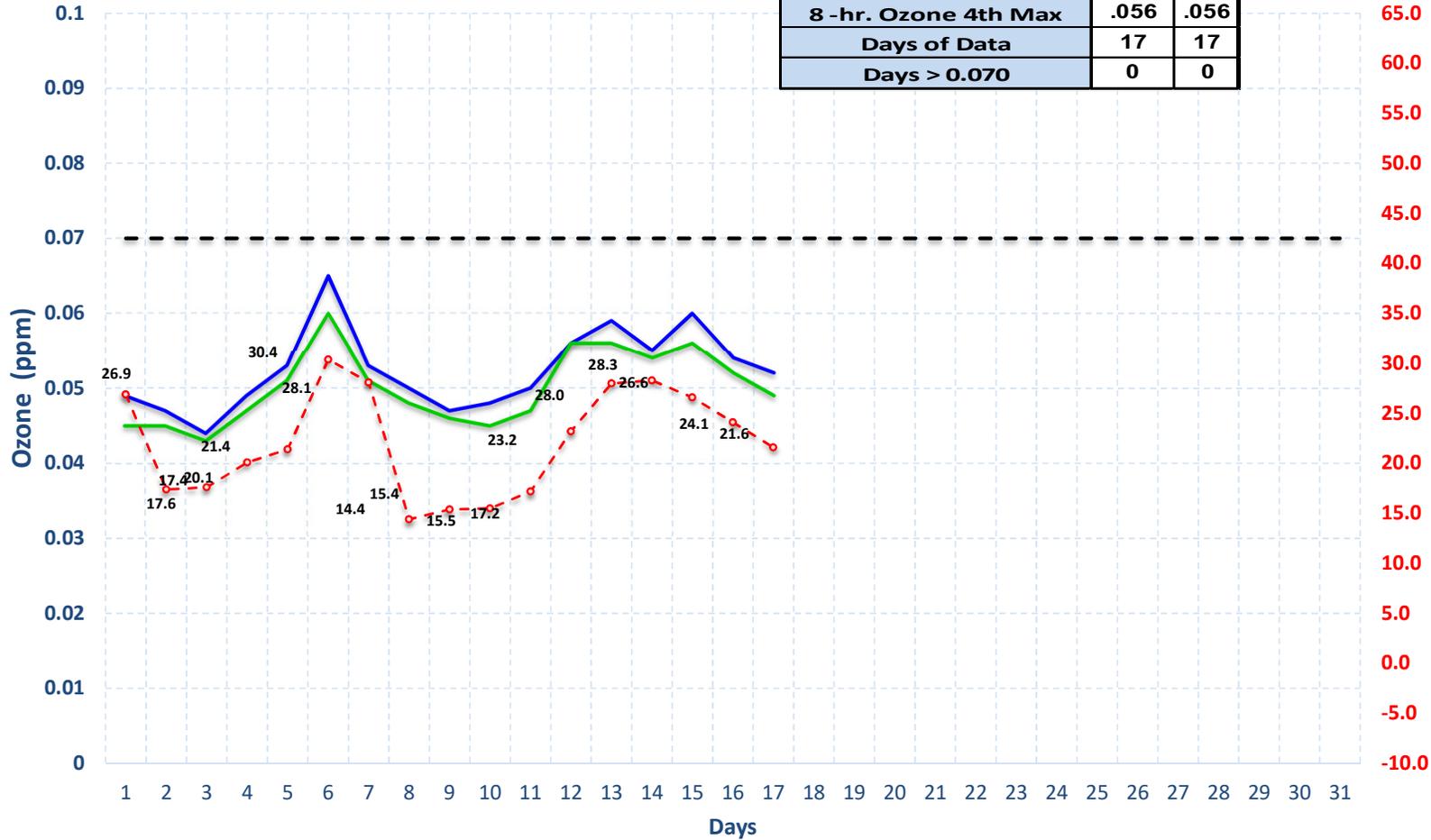
## Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2021

	EN	ES	HC
<b>Arith Mean</b>	<b>.050</b>	<b>.057</b>	<b>.054</b>
<b>8-hr. Ozone 4th Max</b>	<b>.055</b>	<b>.061</b>	<b>.060</b>
<b>Days of Data</b>	<b>17</b>	<b>17</b>	<b>17</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>	<b>0</b>



## Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2021

	IP	LP
<b>Arith Mean</b>	<b>.052</b>	<b>.050</b>
<b>8-hr. Ozone 4th Max</b>	<b>.056</b>	<b>.056</b>
<b>Days of Data</b>	<b>17</b>	<b>17</b>
<b>Days &gt; 0.070</b>	<b>0</b>	<b>0</b>



— Inland port     
 — Lake Park     
 - - Exceed.     
 - - - o - - TM